

## U.S. DEPARTMENT OF EDUCATION

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## OFFICE OF INDIAN EDUCATION

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## TRIBAL CONSULTATION

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WEDNESDAY  
FEBRUARY 5, 2014

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The Tribal Consultation met in Salon A, Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia, at 10:00 a.m., Kevin Shendo, First Lieutenant Governor, Pueblo of Jemez, Moderator, presiding.

PRESENT:

KEVIN SHENDO, First Lieutenant Governor,  
Pueblo of Jemez, Moderator  
PAM AGOYO, Board Member, NIEA  
JOHN CHEEK, Management and Program Analyst,  
Office of Indian Education, U.S.  
Department of Education  
SETH GALANTER, Principal Deputy Assistant  
Secretary, Office for Civil Rights,  
U.S. Department of Education  
WILLIAM MENDOZA, Executive Director, White  
House Initiative on American Indian  
and Alaska Native Education  
JOYCE SILVERTHORNE, Director, Office of  
Indian Education, U.S. Department of  
Education  
KANDICE WATSON, Co-Chair, USET Education  
Committee

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## P-R-O-C-E-E-D-I-N-G-S

(10:49 a.m.)

MS. SILVERTHORNE: We'd like to come back in session for the rest of the morning session. And as you can see, we've changed folks at the front of the room for you.

And we are going to have the Department of Education and the Offices of Elementary and Secondary Education, as well as Office of Indian Education. And then Bill Mendoza is from the White House Initiative on American Indian and Alaska Native Education. We haven't figured out how to shorten the acronym for his program yet. We are still working on that.

And we are going to have a moderator. Mr. Kevin Shendo will be the moderator for the morning session.

So, thank you. With that, we'll get started.

MODERATOR SHENDO: Thank you, Ms.

Silverthorne. Good morning, everyone. As shared, my name is Kevin Shendo. I'm the First Lieutenant Governor for the Pueblo of Jemez, and I will be serving as your moderator this morning and this afternoon for the Tribal Consultation Session.

So, first, I would like to welcome all of you for joining us here today in Washington, and also those that are listening online or participating in the webcast.

I just want to remind the audience that is here today to please put your phones on silent mode so that there's no interruptions to the discussions or the presentations that are happening. And also to please respect those that are speaking or that may be asking questions by keeping your conversations to a minimum.

Again, this consultation is being webcast so that we will be having participation from those that are offsite as well. During

the Q&A session, there will be an opportunity for those listening online to ask questions or send them in as well.

I'd like to introduce some of our contract staff that have been working here onsite putting the Consultation together. And if you have any questions, need directions, or need to obtain any documents, they are here onsite to assist. We have Amara Okoroafor. She is with the Manhattan Strategy Group. And then also Brandon Bayton with Kauffman and Associates. They are here, and they can also be -- you can connect with them either personally or through the registration table outside.

Those that will be wishing to make public comment as part of the Tribal Consultation you are welcome to do so. Please just remember to sign up at the registration table outside, and they will give you the information you need and sign you up there to

be able to make public comment for the session this afternoon.

And for those that are either participating by phone or the webcast, the operator will be providing instructions to you when it comes time to be able to ask questions or to provide comment. Written comments can also be provided by the public comment card. These are located in your consultation folders, for those of you that are onsite here.

Written comments can also be provided online at STEPConsultation@ed.gov. That is S-T-E-P-C-O-N-S-U-L-T-A-T-I-O-N at ed.gov. And also at IndianDiscretionaryConsultation@ed.gov, I-N-D-I-A-N-D-I-S-C-R-E-T-I-O-N-A-R-Y-C-O-N-S-U-L-T-A-T-I-O-N at ed.gov.

The documents that are going to be discussed at today's consultation can be found on the website [www.edtribalconsultations.gov](http://www.edtribalconsultations.gov).

So at this time, I'd like to introduce again Ms. Joyce Silverthorne and Mr. William Mendoza, who will be providing opening remarks and comments. First, we'll start with Ms. Silverthorne, the Director of the Office of Indian Education, U.S. Department of Education.

MS. SILVERTHORNE: Thank you, and good morning to everybody here, and welcome. We understand that we will be joined by some folks from the USET organization in the afternoon, so we are excited. As the room begins to fill, we will bring seats forward.

You received a document that I handed out on the -- at the -- before the session began, and this is a summary of some of the enhancements and changes to the Formula Program. The Office of Indian Education has several major grant programs that we offer around the country. The Formula Program, we have had some enhancements that occurred last

year, and this is the enhancements for this year.

One of the major things that we are looking forward to is that all objectives that a school submits through their application process will include -- will be governed by an overall goal that looks at competency, cultural competency. So it becomes the goal of all objectives as opposed to a separate single objective.

We realized, as we did some analysis of programs, that we did not have many programs that were focusing on this. And as you heard from our speakers in the session before, this is certainly getting greater attention and greater concern from everybody in education. And so that's one of the big changes.

We are also looking at asking each of the schools to tell us how their Title VII program fits with the other programs that they offer within their school. So they have other

programs that receive money that should include Indian students, but not always do those programs get defined in how they relate to the Indian students. And so that's the question that will be on all of the applications this year.

So we are -- if you have any other questions from the summary sheet, we would be happy to go over them. We are going to make this introduction a little bit shorter this morning, so that we can get to all of the activities and still be on target for the time that we have on your schedule.

So with that, with the other programs that we operate, are discretionary programs, the demonstration grants. And demonstration grants are able to fund innovative ideas and help programs to begin to look for what is -- and practice some of the ideas that they believe will be effective in their community. At this time, that is focused

on early childhood education and college- and career-ready graduation. So those two are the focus areas for demonstration programs.

The next grant category that we offer is the professional development. And as you see on the agenda, and you see in the memo in your information, in your folders, demonstration -- or the professional development and the demonstration are sister programs within the Office of Indian Education, Title VII.

And the Professional Development Program is designed to address the need to have teachers, administrators, trained education professionals, within our education programs at home. And so we have programs around the country that are offering teacher training and administrator training.

We are looking at some updates and some improvements to the program, and the document that you have in your folder, and this

afternoon's session, will go into more detail.

The email addresses that Mr. Shendo has given you a moment ago are going to be very important. How we receive and are able to tabulate information that comes in during the consultation, in preparation for whether we will proceed with the rulemaking process, are very important. This is an opportunity for people from communities to have input in a way that they haven't had before.

So we are looking forward to having as many comments as we can gather from our tribal leadership and those communities that are affected.

The last program is the State Tribal Education Partnership. It is also a discretionary program, and it has been a pilot. And we are in the second year of operation with that pilot, and we need to do rulemaking in order to be able to continue the pilot -- the program beyond the first three years.

In the first year of operation, we were able to do a waiver of rulemaking. That waiver of rulemaking allowed us to begin even though we had not processed the full set of rules to guide the program. And we have learned a great deal during these couple of years, and we would like to incorporate some of the things that we have learned and we want to hear from the public.

And, again, there is an email address. Every comment that comes in will become part of the record for the process and deliberation for how those rules get formulated through this next year and a half.

With that, certainly there will be more opportunities for questions and discussion. And I would like to turn this over to Executive Director Mendoza to tell you a little bit more about what is going on with the White House Initiative.

MR. MENDOZA: Thank you, Joyce.

Good morning, everyone. It is a privilege to address you all again. And, you know, the President's commitment, certainly the Secretary's commitment, to continue meaningful engagement and coordination with our tribes, and, of course, the citizens and communities that are affected by, you know, the multitude of programmings, the federal impact that we have on Indian country.

It is a privilege to provide you today with an update on the White House Initiative on American Indian and Alaska Native activities and some of the important work and updates on achievements that we have had thus far.

As Joyce mentioned, you know, we had a robust discussion earlier on our agenda that kind of pushed us over, so I'm making sure that so we can accommodate some of our federal partners who are with us here today, as well as making sure we have time for you to address, you

know, mention for the record, I am going to keep my comments summarized today.

I encourage you to continue to reach out to the initiative. Our information is available through the WhiteHouse.gov/NativeAmericans website at WhiteHouse.gov, or else we are also accessible through the ed blogs, www.edblogs.gov backslash. And then if you just take our initiative and make it an acronym, it comes out to WHIAIANE, W-H-I-A-I-A-N-E, and that will be accessible through there as well.

One of the key things is, of course, our presence here, the continued commitment for consultation with tribes, the engagement with Indian country, really proud of Secretary Duncan's commitment to Indian country. He has said so himself that, you know, coming to Indian country is but the first step. And he has taken meaningful steps, so one of -- you know, announced today that Secretary Duncan will

deliver a commencement address at Salish Kootenai College in Pablo, Montana there, June 7th here. This will be his fourth visit to a tribal college and university, and his sixth visit overall to Indian country as a whole.

This began in 2011 with Sinte Gleska University, then Navajo Technical University, Navajo Technical College at the time, and then College of Menominee Nation in 2013.

In 2013 as well, Secretary Duncan and Secretary Jewell went to Wyoming together on the Wind River Indian Reservation, and there they were able to have conversations not only with tribal leaders but educators, parents, and families about the dynamics and how their two agencies affect, you know, what is happening there in Wind River. So the secretarial level commitment couldn't be higher.

We spoke earlier of the BIE redesign team. It has gone through several names. It

was a strike team, it was a study group, and a redesign team. And I think it represents all of those and kind of the outpouring of concerns for the effectiveness and efficiency for the Bureau system.

And these conversations are led at the secretarial level. As we mentioned there, the secretaries met in July and reinvigorated the conversations that were carried over from then-Secretary Salazar. And all of this is related to the Executive Order.

The Executive Order was signed in collaboration with Department of Interior, and Ed of course takes the lead on that, because the initiative is housed within Education. And of that Executive Order, there is established a Joint Committee on Indian Education. So if you take the primary program components of the initiative, we have the President's Interagency Working Group on Indian Education, the Joint Committee on Indian Education, and

then we have also prioritized Native language history and culture. It's a critical goal of the initiative, and, therefore, worked to sign a memorandum of understanding with Department of Health and Human Services, specifically the Administration for Native Americans, the Bureau of Indian Education, and our office, the White House Initiative on Indian Education.

So we are really excited to provide an update on that 2012 memorandum of understanding as well.

The Joint Committee met November 21st where we communicated and, you know, ensured that there would be development of implementation teams within the two agencies. There was an assessment document that was introduced, and it was remitted prior to and, you know, reinforced that the two agencies would begin to map and discuss among their agencies how we can better implement the MOU, specifically the seven goals and the specific

activities outlined in the MOU.

We prioritized some of those, largely dealing with outcomes, and so that analysis is going on now. The Joint Committee has committed to work to meet quarterly, but in between the quarterly meetings there are subcommittee activities that are happening.

We have a subcommittee on data-related issues and concerns. We have a subcommittee on general counsel coordination and understanding of the statutory interactions as it relates to not only ESEA, HEA, Carl Perkins, as well as Tribally Controlled Schools Act, and Self-Determination Act as well, 100, 297, and 638, respectively. So there is a lot of dynamics there that, you know, we need to have our lawyers communicating with one another.

The subcommittee -- the study group that we just briefed you all on is one of those committees dealing specifically with the BIE

and the specific activities under the MOU. So there is a lot of new information that through this group's work is kind of informing, you know, those specific activities. And what we have always communicated to Indian country has been that we want this MOU to be a living, breathing document, that as we find new information, as we have greater clarity and direction, that we begin to update this document to kind of guide our work, to create that transparency, that accountability of that entity. So that is but one of them.

In addition to the Joint Committee, which is the conduit between Department of Interior and Ed, we have as a working group this Native Languages Working Group between HHS, Ed, and Bureau of Indian Education. So that if you -- if I'm speaking clearly about this, you know, the subcommittees are where a lot of the work is being done, and the accountability conversations are happening at the Joint

Committee level on a quarterly basis.

The Joint Committee also comprises of tribal leadership. We have three tribal leaders that are represented on there, and they derive from the Tribal Interior Budget Council at Interior.

This is a representative group of the 12 Bureau of Indian Affairs Regions, and they have put forth three nominations to this group. One is Bryan Brewer. The other is from the Western Shoshone, and I'm forgetting her name, as well as the third. And so we'll make sure that that information is communicated to your USET Education Committee, as well as our NIEA board for distribution, so that you know who those points of contact are.

The idea is that we need to have more collaborative conversations on not only policy but also budgetary implications between the two agencies, and that tribal leaders are best situated to be able to influence, you know, what

is happening on the tribal consultation responsibility side of it.

So it is but one facet of kind of accountability. The consultations will of course continue, but, you know, we are trying to make sure that there is many points of interaction with tribal leadership and people who are advising those tribal leaders.

So I think, with that, I just wanted to touch briefly on the Native languages working group before we move on to our Principal Deputy Assistant Secretary, Seth Galanter, on our -- from our Office of Civil Rights.

The Native Language Working Group met September 11th and September 25th. Of course, in the midst of that dealing with a shutdown as well as looking at the Tribal Nations Conference -- a tremendous amount of agency effort goes into convening our annual Tribal Nations Conference. We kind of had a hiatus there of activity, but in between that

we have asked each of the partners to develop implementation teams and to work towards identification of goals that speak to the memorandum of understanding.

I won't go into those specific goals. I encourage you to reference that document. That document is available on the tribal consultation website that Mr. Shendo mentioned. In short, they are identifying ways which each agency can provide important resources and input towards the implementation of the goals, collaborating on the Native Language Summit that we all agreed to in 2014. A tentative identification of the summit would be in June, and this would be a joint effort between Ed, ANA, and the Bureau of Indian Education.

And then the other critical area is ways other national and regional groups interested in protecting and promoting Native languages can provide important resources and

input in terms of the implementation of the goals. The idea is to center the agencies on what they see in alignment with one another and what are the critical areas to address, and then begin to insert of course our advocates, whether they're at the tribal level or the Indian education level.

So this includes our tribal education agencies, our educators through National Indian Education Association and the American Indian Higher Education Consortium. And so, you know, at an appropriate juncture there, once we know what the agencies want to do, and once we know that -- you know, what we can offer in terms of, you know, identification of some of the critical areas, the MOA was well received, and so we are just trying to make sure that we are prepared for those conversations and that we can provide some useful information that can then be reflected upon and, therefore, acted upon after that.

But with that, it is just, again, a great pleasure to be, you know, following through with our commitment to engage meaningfully with you all, and I look forward to the conversations as we move forward.

Unfortunately, for Joyce and I, in many respects sometimes -- and I think we take turns on this, you know, we -- Joy and I, as the senior policy advisors at the Department of Education on Indian education, through our various authorities, the work doesn't stop for us either. But luckily we do have our dedicated staff and leadership within our offices, and so you may see different faces here and may not even be here the whole time. But I assure you that these records, this transcript, you know, is not ignored.

These convenings are deliberated on heavily as to what is being said, how can we address it, and how can we move forward with finding more information if need be, or acting

upon it.

So just thank you, everybody, for having us here, welcoming us. Thank you to NIEA for the partnership, as well as USET for this opportunity to engage with the 26 tribes represented in this organization.

And, of course, thank you to everybody who is participating via our webcast. We really work hard to make this connection, to make these accessible on a national level, and we really appreciate everybody engaging with us today.

Thank you.

MODERATOR SHENDO: Thank you, Ms. Silverthorne and Mr. Mendoza.

At this time, we would like to have a presentation from the Office of Civil Rights. We have Mr. Seth Galanter, who is the Principal Deputy Assistant Secretary, who will be doing a short presentation, and then thereafter will be opening up for a Q&A.

Mr. Galanter?

MR. GALANTER: Thank you very much, Mr. Shendo, and thank you to Bill Mendoza and to Joyce Silverthorne. I work at Department of Education.

Good morning and thank you. I was thanking my colleagues. I have been able to work at the Department of Education for two years now, and I have been thrilled and honored to work with these folks in promoting Indian education and, more generally, equity within the Department of Education and for education for all children.

Because I am a newcomer to this event, I thought I would start by talking a little bit about the Office for Civil Rights and then what we do, what laws we enforce, and then open it up to discussion and consultation about how we can best work with you to provide technical assistance and to provide our staff the information they need to make sure that our

laws are appropriately enforced to all recipients of federal financial assistance, including tribally controlled schools and colleges.

So let me start by saying the Office for Civil Rights -- there is an Office for Civil Rights in every federal agency that gives out grant money. The Department of Education gives out a lot of grant money, and so we are one of the largest Office for Civil Rights, but we have colleagues in every office, including in Interior, HHS, and Department of Justice.

The Office for Civil Rights was founded on the basic principle which President Kennedy called the Anotion of simple justice that money taken from all citizens, from all taxpayers, should not be spent to fund discrimination. @ And so since 1964, the Office for Civil Rights has worked to make sure that schools, universities, public and private, states, anyone who takes federal

funds, does not discriminate on the basis of race, national origin, color, and then in later years the categories of sex and disability were added to that list.

Right now we, at the Office for Civil Rights, enforce these civil rights statutes to all public and private schools that receive federal financial assistance and all colleges and universities in the country.

I cannot summarize here all of the civil rights obligations that come with these basic principles not to discriminate on the basis of race, sex, and disability. In your packets I believe you will find a very short glossy document, and outside on the table you will find this small booklet which you can take copies of, along with several other documents, particularly about kids with disabilities.

Also, on the website for the consultation are links to all of these documents. So you will be able to access -- and

those on the webcast can access them now -- which summarize some of the laws and some of the applications of the laws that the Office for Civil Rights enforces.

Here I would just like to focus perhaps on two things that are in the news a lot today and are a focus for the Office for Civil Rights and have been for a number of years. The first is the concept of sexual harassment and sexual assault. Those are civil rights issues, because they interfere with the ability of people, but primarily women, to participate in education, in public education.

The Office for Civil Rights works with school districts to make sure that they are responding to harassment and not letting it fester, that they are addressing hostile environments that preclude people from learning, and particularly at the higher education level that schools are dealing with sexual assault as a real problem and as a civil

rights problem, and not just a law enforcement problem.

Similarly, the requirement that you not discriminate on the basis of disability means that when you have a child with a disability you have to make sure they are getting the individualized education that they need, similar to what is required under the Individuals with Disabilities Education Act, and that when you provide technology or books that they are accessible to kids who have low vision, kids who are blind, that kids who are deaf are able to participate in the classroom, that kind of level of access that has been required by civil rights laws and by the Individuals with Disabilities Education Act for a number of years.

The Office for Civil Rights, at Education and in other agencies, provides enormous amounts of technical assistance to schools and universities about how to meet the

obligations of the civil rights laws. We do this through webinars and through written materials, email blasts. We go to conferences. We respond to questions and to calls and by email. And we issue guidance letters that articulate how we interpret the laws and how to best comply with the laws.

We also are open for people to call and ask questions or file complaints saying that they believe that their rights have been violated, and we work with the recipients to investigate those claims and ultimately to try and resolve them, to avoid any violations, and to remedy any past violations.

And we also provide, as I said, enormous amounts of guidance. We have field offices in -- we have 12 regional field offices. And, again, on the back of this glossy sheet you will see all of the offices and their contact information. And we try and work primarily to achieve resolutions of civil rights violations

without enforcement.

There are 17,000 public schools in the -- public school districts in the country, 100,000 public schools. We are looking to make sure that every student is protected by the civil rights laws. We don't do that with enforcement; we do that with education and with technical assistance as our primary tools.

I definitely have a lot more to say, but I am very eager to hear your questions and comments. So if it's all right with the moderator, I would like to pause here and maybe hear some initial questions, and then try and clarify and elaborate, if there is time.

MODERATOR SHENDO: That would be fine. So at this time, are there any questions from the audience here, that are present here?

If you can -- those that are asking questions, if you can make your way to the microphone and state your name and where you are from and the organization or entity or tribe

that you are representing.

And for those that are listening online, the questions online can be sent through the chat feature. And after all of the onsite questions have been asked, then our support staff here onsite will ask the questions that have been sent through the chat feature online.

MS. MUNRO: Hi. I'm Doni-Jo Munro. I'm the Director for Indian Education in Santa Barbara County, and I'm also the CEO of Our Children Are Sacred, which is a consortium of traditional Indians.

My first question is, as a civil rights issue for children when we are signing them up for school, the new format for all schools in California is to mark -- your child has to be marked as white not Hispanic or Hispanic not white. And as an Indian parent, if you choose to not mark either one of those boxes, they fill that in for you. If you mark

on it American Indian or Alaska Native, that is a secondary or the third mark on the paper.

If your child speaks a language -- a traditional language at home, and you write that down, if your child speaks any other language other than English, they insist that your children then be moved into the CELDT testing.

So when I signed my son up for kindergarten -- he is foster child -- he has been exposed to three different languages, Native languages he can speak and understand -- but the test would be administered to him in Spanish because that is the bulk of the children in our area.

So they made me -- I either had to fill it out and say that he only spoke English or opt him out for testing, which would follow him all the way through school. So what we're finding with many of our parents is they are just not marking any of the boxes except for

American Indian, Alaska Native, or Native Hawaiian, and then opting their children out of the testing.

Then, as the Title VII Director, that kills me because I can't find any data on my children because they have refused to take the test.

The other thing is, with their hair, boys have long hair, they insist that for my sons -- I have three that have long hair -- that they have to be tied back, pulled back, or braided, whereas girls' hair doesn't -- can go any which way they want it to go. But they made that a very clear point when I signed him up for kindergarten. AAre you going to cut his hair before school?@ I said, AAbsolutely not.@ AThen his hair must be out of his eyes, pulled back, restrained at all times, and he is not allowed to wear it down,@ which that to me is a civil rights -- a forced assimilation of keeping his hair cut, pulled back, or cut off,

which is a really strong sticker point for us and our family.

The other thing is, when our children are in foster care -- I work with Foster Care Services in Santa Barbara County. I'm an advocate for children that are in foster care. I have three foster children myself. The proof that they are ICWA usually relies upon either me, as the Title VII Director to find out where they come from and to provide that information to Social Services, and if the child is not deemed to be an ICWA-eligible child, they will take them out of Indian homes and put them into non-Indian homes, even though we know for sure that they are Indian because I know the community.

The other thing is with our kids that are in juvenile hall, they, too, have to mark the same type of boxes -- white not Hispanic or Hispanic not white. If they refuse, like we had a young man that was

full-blooded Yaqui, he said, AI refuse to sign either one. I am enrolled with the Yaqui Tribe. At home we speak Yaqui, we don't speak English. @ And they arrested him for resisting, or he had an extra charge added to his already simple truancy charge, which extended his time.

So what we're finding is that every agency that we deal with, if we choose to mark Native American, Alaska Native, or Native Hawaiian only, then they penalize the children one way or another, or they get to us, or they'll inundate the parents with so much pressure to conform to what they ask for you are dealing with forced assimilation, within our county and within our state.

So do you have any -- we would really like the school, the district that I deal with, that my kids go into -- of course they don't -- they are wary of me, but they are asking me to help them to reformulate the form and how that

would better suit the parents, which we have already done several years back, but it never seems to get past that. Either you're white or you're Mexican or Hispanic in California.

And so -- and with the CBEDS testing, which is -- excuse me, CBEDS identification is when they decide what race children are, is done by the teacher's overview. They don't follow what the parents signed in on the initial intake when you enroll in school. The teacher looks at the children in her class and decides who is white, who is Hispanic, who is black, Asian, and then if you have a Mexican surname, which a lot of Native Californians do, they mark them as Hispanic.

And so for my children -- I have from light-skinned to dark-skinned kids -- I have some of my kids marked as white, and so I'm going to have to go -- physically go in there and say, AWhat did you mark them as?@ After sixth grade, they self-identify. If our kid is

marked Native American, the teachers will scratch that out on their STAR testing and change it to white, because it makes it simpler for them to collate the information when they are doing their processing.

So even if they do stand up and speak for themselves, they either force them to change their answer because they either want -- they only wanted white or Hispanic. So if you're a mixed race, they want you to pick anything other than Indian to mark on your form.

So that's what I wanted to say.  
Thank you.

MR. GALANTER: Thank you. I think -- first, let me say I am so thrilled that there are such engaged, active parents like you out there trying to make a difference, not only standing up for your own kids and not only doing your job, but then the extra effort you were talking about putting in, trying to change the form and change the system, that's amazing, and

I really just want to start by commending you for that.

And then let me say I think on many of your things we need to talk, and I can connect you with our California office. We have an office in San Francisco that just does civil rights in California. Some of the things you talked about, like differential dress codes for boys and girls, may be covered by our civil rights laws. Other things that you talked about, like the data collection, may not be a civil rights issue, but it is certainly something we all need at the Department of Education to know about, because every kid has to count and we have to count them correctly.

If we're going to deal with accountability, and particularly subgroup accountability, we can't have kids masked by being miscoded, and that is a serious issue. And also, from a big picture government perspective, we at the Department of Education

have adopted the seven categories as our racial classifications as you know, and Native American and Native Alaskan is a category. And to the extent people aren't taking that seriously, they are messing up our data, and we don't like that.

So I hear what you're saying, and I think we need to figure out on some of the specific issues to get you connected with some of the right people.

I would also just say on the CELDT issue and dealing with kids who are English language learners who are -- or who need to be tested for English language proficiency, we also should talk about that. That's something that the Office for Civil Rights has been grappling with in a number of states.

I haven't heard so much the concern you just raised about testing everyone in Spanish, but it is something that -- that shouldn't be happening because the obligation

is to make sure that you are making -- testing the kid in a language that is useful. And, obviously, that's not useful for that kid.

So, again, these are the kinds of issues that our offices are grappling with in the public school system and at the K-12 level and in higher ed. It's slightly different, but those are the kinds of issues we want to address. And so I'm going to come and talk to you when this panel is over.

MODERATOR SHENDO: Thank you. Are there any other questions from the audience here?

MS. ABRAMS: Good morning. My name is Barbara Abrams. I'm from Ithaca, New York, and I represent Barbara Abrams. I worked in higher education for a number of years, and I have been retired for a long time. But my question has to do with self-identification for Native people.

When we were doing the admissions

process at the institution I work at, we asked people for documentation regarding their Indian status. And we were pretty liberal about how we interpreted it. You know, we didn't -- we didn't necessarily -- but there were clearly people who were using that as an edge to be admitted.

And the university -- some people in the university felt that that was a civil rights violation. I always argued that it is a citizenship issue. In the same way we require all permanent residents to provide documentation, then we should - it's the same kind of issue. They always wanted to make it a racial issue, and I said it's a citizenship issue.

But they really prohibited the staff with the American Indian Program from actually collecting this information prior to admission, because they want to let -- you know, to do it after students were admitted but not

prior to admission. And so it made it difficult to know which students you wanted to advocate for unless you knew them personally, because you wouldn't know if they were in fact trying to use their ethnic status for a bias in admission, to better gain admission, or if they actually were Native students. What is the actual policy or rule on that?

MR. GALANTER: Well, Ms. Abrams, I think you have touched on a really interesting issue here, and let me lay out some of the factors. First, the general rule that all schools have to abide by is you -- your admissions should be generally, as a starting point, race blind, gender blind, disability blind. But we also recognize at the Department, and the courts have recognized, a real interest that schools have in bringing together a diverse group of people, not just geographically diverse but different life experiences, which can include racial

diversity.

If a school is interested in that, and they are interested -- their focus is racial diversity, then they can use a plus, and that plus could clearly extend not only to African Americans and Hispanics but also to Native Americans. On the other hand, many states and schools have special preferences for -- or in-state tuition for members of federally recognized tribes.

When they are doing that, it's not always clear whether they are doing that as a measure of diversity or whether they are doing it because of the special obligation that the United States and some states feel towards members of tribes. If they are trying to target tribal membership, then it would be appropriate to get documentation of that tribal membership.

But we would discourage -- I don't know if it's illegal, but we would certainly

discourage people asking people to prove that they were Native American, just like we would discourage them from asking people to prove they were Hispanic or black. If you're doing it for racial diversity, then the documentation isn't as important as the life experience that you are trying to capture.

But if you are trying to give a special tuition or something for a particular class, such as members of federally recognized tribes, then additional paperwork might be appropriate.

MR. MENDOZA: And I think just to add to Seth, I mean, this is an area that the initiative is keenly interested in, particularly because we know for a fact that the vast majority of American Indian/Alaska Native students, whether they are, you know, self-identified or, you know, we can map them, you know, theoretically through tribal scholarship programs, we don't know enough

about those practices and how institutions are disaggregating information both at the input level, how they are receiving those services, if they are receiving anything in addition to what is available to the general population of these institutions, and then of course what those outputs are.

It is an area of great interest for us, especially as the First Lady, you know, picks up her efforts around, you know, creating more of a pipeline for minority students as a whole. And for us in the American Indian/Alaska Native community it means, you know, that disaggregation of information is something of a huge necessity for us to even begin to build support services around that.

So the exchange of positive practices, if not best practices, is going to be a critical first step for us, and I think identification of these universities that have, you know, a meaningful percentage and

number of students -- or number of students is a first step. And we have taken some -- put some effort in this area. We created a definition relatively hollow. It is hollow, I'll say. You know, we are trying to get the engagement, the mobility of these institutions, and we are calling them Native-serving institutions, American Indian/Alaska Native-serving institutions.

And what that will mean is that if they have 10 percent or 300 American Indian/Alaska Native students, for an average of three years -- I can talk more about this, but basically we are dealing with a very unstable student population that bounces up and down from year to year. So we are needing to take a three-year average back in each of those areas to create a list of what we have now in 99 institutions that represent about 47 percent of our self-identified Indian students as we looked at it through Census identification,

IPEDS if you will, Integrated Post-Secondary Education Data System, to begin to just say this is who we communicate, we need to know what is happening with -- what is happening when you mobilize around tribal colleges and universities, but we also need to know what is happening with these Native-serving institutions as well.

So, you know, we are really excited about, you know, connecting these kinds of conversations with these institutions and saying, AWhat are you doing in the way of input identification of these students? How are you structuring the justification and rationale for the delivery of services? And, more importantly, what are the outcomes of those efforts?<sup>@</sup>

MS. ABRAMS: Okay. I'd like to address two things. One is that in the American Indian Program they include Alaska Natives, American Indians, and Native

Hawaiians. And of course now the Native Hawaiians are lumped with the Asian-Pacific Islanders, which makes it even harder for us to figure out who they are.

And the other thing is that financial aid is done at the same time as admissions. So the letters go out at the same time. So if you want to give a financial aid package that may be more attractive for a Native student, if you don't know who that Native student is, or for those people who think that, okay, they were born in America, so they are Native American, so they can check that box without having to put any tribal relationship -- you know, we could have as many as -- I think when I first started at the university they had like over 1,000 Native American students when, in reality, they had eight. So there is -- I mean, that's a big discrepancy.

So, and the admissions office was using that data to make decisions about

admitting people because they didn't know, they didn't have any sense of how to make any decision about whether someone was really Native or not. And, of course, there is such a diversity of last names, you can't say, well, this person is Native based on their last name, the same way you can't say someone is Hispanic based on their last name, or black based on their last name, or even, for that matter, white based on their last name.

So I think that if you're making a financial aid decision at the same time as you're making an admissions decision, and you don't have that information and you have particular scholarship funds that would go -- not tribal funds but institutional funds that would go for that student, it makes it very difficult to actually decide who might get that money. And sometimes it went inappropriately to students who had no Native background at all. And as soon as they got to the institution, they

changed their ethnic identity.

MR. MENDOZA: I would really encourage you to -- you know, any solutions you might have or suggestions on how this could be done to address some of the critical areas that you touched on, to share those ideas with us.

Thank you.

MR. GALANTER: And I would, likewise, repeat the Executive Director's suggestion that to the extent people have suggestions about how we can work with the tribal colleges, with tribal schools, on civil rights issues, about informing tribal leaders about civil rights laws, informing the parents and students about their civil rights, we would welcome those comments through the electronic forums that Kevin Shendo mentioned, through email, or in the comment cards. We are very eager to hear your suggestions.

MR. MENDOZA: We want to be cognizant of your lunch period as well, and we

know others have additional thoughts. You know, we have communicated and we will touch upon again this afternoon the electronic ability and the snail mail -- USPS -- ability to submit further comments and questions.

We really appreciate Seth's participation today. He will be leaving us for the afternoon, but this is an ongoing effort that we want to be able to bring to you all, just critical program offices within Ed and being able to have this kind of caliber of information and making these connections to our communities.

So with that, our moderator, if you can make sure we're taking care of business to get us convened for lunch.

MODERATOR SHENDO: Okay. Thank you, Mr. Mendoza.

We are a little bit over time, but we do have the opportunity to ask additional questions through the email addresses as well,

too. So we encourage you to do that.

We don't have any questions via the chat feature at this time.

So, with that, we will break for lunch, and we will reconvene right at 1:00 p.m. It is now 11:40, so you have just an hour, a little over an hour to grab something to eat, and then we'll reconvene right at 1:00 p.m.

Thank you.

(Whereupon, at 11:40 a.m., the proceedings in  
the foregoing matter recessed for lunch.)

A-F-T-E-R-N-O-O-N     S-E-S-S-I-O-N

( 1 : 14 p . m . )

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MODERATOR SHENDO: We're going to get started with the afternoon session.

Again, my name is Kevin Shendo. I'm the First Lieutenant Governor for the Pueblo of Jemez in New Mexico, and I'll be serving as your moderator for this afternoon.

At this time, I'd like to turn the microphone over to Mr. Bill Mendoza, who will introduce our next speaker.

MR. MENDOZA: Good afternoon, everybody, and thank you for joining us again for the second session. And just on behalf of the U.S. Department of Education, especially our Office of Elementary and Secondary Education, Deb Delisle, and in particular our Deputy Assistant Secretary Jonathan Brice, who is over the immediate Office of Indian Education, just want to extend their welcome and regrets that they could not be here today.

And so it is my privilege to be able to welcome you on behalf of the Department on

the specific consultation items. We are very interested, continue to be committed to making sure that, you know, as the Department is thinking about how things are impacting our tribes and tribal communities, that we maintain our constant channels of communication with one another, and that as early in the process as we can be, as we are all responding to something, that your input, your guidance, and your, you know, concerns are, you know, taken and addressed as appropriate. So I just wanted to thank everybody participating here today.

Really pleased to have our representative from our USET, co-chair, be able to join us today, and we will have tribal leaders joining us. You know, they are all in demand. They have a lot of things going on here, and just really appreciate the participation, but really glad to introduce Kandice, and, you know, please provide us with some, you know, thoughts and remarks to kick us

off.

MS. WATSON: Thanks for inviting me. I'm Kandice Watson, the co-chair of the USET Education Committee.

I am the Education and Cultural Outreach Director for the Oneida India Nation in New York.

So I'm just going to give a little bit of an overview of USET tribes and some of the issues that we face in education. Some -- as you all may know, USET covers a wide area. We have tribes in Maine, all the way down to Florida, and then west all the way to Louisiana. So we have a very, very large area to cover, and the needs are very different throughout all of the USET tribes.

For example, in New York State, we do not have a very good relationship with New York State. None of the New York tribes seem to be able to, you know, procure a very good relationship with New York State. However, I

know that there are other tribes out there that have very good relationships with their home states, so, you know, it is not to say that every USET tribe is struggling with this issue, because some of us are not.

But I do know that, from our point of view, we are very interested in, you know, bettering that relationship. It can only help our students. So I'm just going to go through some of the issues that some tribes have stated in their home states that they're having. I did not get responses from all of the USET tribes, so I am only going to speak to the ones that I did get responses from.

For example, down in Florida we have the Seminole Nation, and they have stated that some of the issues they're facing is that they need more collaboration and communication among the federal level, in regards to policy development and long-term planning.

They also need direct control over

students' progress, whether they are attending public, private, or tribal school, and this seems to be an issue amongst many of our education departments. When we try to access information about our students from public school, it is virtually impossible. Because of FERPA, they want -- you know, you really -- it is very difficult to access that information, and we need to know how our students are doing in public school.

So even just getting that information would be helpful. And that really does seem to be a general issue amongst all of the tribes, is we are having difficulty accessing this information. Some tribes have done some agreements with their public schools, so they were able to get this information, but it was a very long and hard struggle to do so, and it should not be that difficult to gauge our students' progress.

And then, finally, the Seminole

Tribe would say that the states need to be made to work with tribes in development of curriculum and textbooks. I know that is difficult, but that is really something that we have struggled with ourselves in New York State. Although they are supposed to do certain things, it does not always happen, and so it is really a matter of the Federal Government demanding that they work with us or consult us.

In Maine, they have several issues. Really, they want more Native studies courses in the schools. There doesn't seem to be a lot of that. Attendance and truancy seems to be an issue also for the Maliseet Tribe. I understand that college retention, grades for freshmen, from students that leave Maine, is very low. And so they need help making their students feel comfortable when they leave the res for college, and that also seems to be an issue with our students, is getting them to

leave the res to go to college.

We know that's hard, and they are -- you know, they want to be home. So we've got to find some way to make sure that our students feel comfortable once they get to college and that they will stay there.

Eastern Band of Cherokees, one of their issues is that we really do need a regional office centrally located to all USET tribes. This was in Nashville, and there was some talk that they were going to move it out west somewhere. And we really need an office in the east that our tribes can access pretty readily.

There was also an issue a few -- about a year ago, we had heard some talk of a rulemaking committee to access adequate yearly progress for our schools. And we have kind of not heard anything more about that, so we were wondering about that rulemaking committee. It was supposed to, kind of, be made up of

educators and school board members from our tribes, and just really never heard another thing about it. So we are curious about what is the status of that rulemaking committee.

Again, an issue that seems to be across the board with a lot of USET tribes is that we don't really have a lot of Native faculty or staff in our schools. You know, we don't see a lot of our familiar faces in the schools. That is not to say there are none, but there are certainly not enough. And so we do need more, you know, Native teachers in our schools, and so that our students can feel comfortable when they go there.

Another issue is that the counselors need to be trained specifically to help Native people in these schools. You know, our issues are different. Again, they don't want to leave the res. That is something that a non-Indian person doesn't really have to deal with. So, again, we need counselors that are

specifically trained to help our Native youth.

Poarch Creek is from Alabama, and they have just simply stated that the Alabama school system in general needs improvement. So they have just been struggling with having very low-achieving schools in Alabama.

Louisiana seems to be the same kind of issue. Their public schools need improvement badly. More funding for college seems to be an issue with our students.

For us here in Oneida, New York, I know that we need more cooperation from the local school districts. It is very hard to get them to work with the Nation.

And, again, we have Common Core that is to be implemented across the country. And in New York State, of course, we have Common Core as well. I have reviewed those Common Core materials, and, you know, some of them are not correct. So we are not even teaching the right things in the schools. I actually

purchased one of the books that they are now using, and it shows tipis in the pictures.

The Haudenosaunee people of New York State did not ever live in tipis, and these tipis are made of birch bark. I'm wondering why they did that. So, you know, I don't see that there was any consultation with our tribe when they decided to use these materials. We could have reviewed them and told them very quickly, AThis is not a good book. However, that did not happen.

So, again, we are having issues with New York State in general just not being willing to work with New York tribes. And we do have several in New York now. I believe there are, I know at least seven federally recognized tribes in New York now. So we are having difficulty there.

The Seneca Nation is also in New York. They have indicated that the Form 506 that is used to determine Native children in our

public schools kind of needs to be revised. The Mohawk Nation has a lot of children that are from Canada that attend their school, and they are not receiving any kind of funding for these students. So they really do need to revise that 506 form to include Native students from Canada. Just because they are from Canada doesn't mean they are not Indian. So we need to make sure that those students are also included.

Saint Regis Mohawk have their own issues, because they also straddle the Canadian border. Their reservation sits right on the border, so half of it is in New York, half of it is in Canada. So they have the State of New York, they also have the U.S. Federal Government, the Canadian government, and the province of Ontario to deal with. So they have quite a few different entities that they have to deal with.

And, again, some of their concerns

are Common Core. They want more control over Title VII funds, which is kind of what we are going to be talking about here, you know, and then, again, just an increase in funding would certainly help with their programming. Johnson-O'Malley funding levels have not changed in 20 years, so that is another issue that they are wondering about. And BIA scholarships have also not increased that much in 20 years. So we are wondering about a COLA increase at least, or something to improve that funding.

So, in general, the USET tribes are struggling, working with their states. Again, I said some are working better than others, but, as a whole, I would say that we are all facing some difficulty with our state education agencies. So any help in that area to get the state agency to work with the tribal agencies would be a great help in our area, and definitely because most USET students attend

public school.

There are some USET tribes that have BIE schools or state schools on their reservations, but for the most part, most of our children attend public school. So we are really at the mercy of the states that we are located, in and how much they want to work with us or how little they will work with us. That's about it. You know, if there's any questions, I will certainly try to answer them.

MODERATOR SHENDO: Thank you, Ms. Watson.

And if you have any questions, if you can write them down, and then we will come to the Q&A portion of the afternoon and then you will have time to ask those questions then.

Before we move on to the next section, I just want to briefly, just overview some housekeeping announcements as well. So remember to please put your phones on vibrate and respect the individuals that are speaking,

and keep your conversations to a minimum. And also, to remember that this consultation is being webcast.

So there is an opportunity to give public comment and ask questions. For those that would like to give public comment, we announced earlier you can sign up at the registration table outside. You can also pick up comment cards there if you don't wish to publicly address the group here today, but wish to write down comments. There is also comment cards available as well.

For those of you that are on the webcast, there is an opportunity to ask questions via the chat feature. So if you can ask your questions through the chat feature, and once all of the onsite questions have been addressed, then we will turn the floor over to Amara, who will share the questions that are being asked via the chat feature as well.

Okay. With that, I would like to

turn the floor over to Ms. Joyce Silverthorne, and we can continue on the consultation topic for the Professional Development Program.

MS. SILVERTHORNE: Good afternoon, everybody. This is an opportunity for tribal input regarding improvement of programs. In our first hour, we are going to take a look at the Professional Development Program, and you will see a PowerPoint that is going to be broadcast behind us. And the folks who are online will also be receiving this.

So what we are going to be able to do are some questions, some answers, both in the room and online. We will try to follow along through this process. There are a number of questions. At the end of the consultation process, every comment that we receive at the email address that was announced this morning -- and, again, it's on your documents in each of the -- both the PowerPoint and the memorandum -- and that is to

IndianDiscretionaryConsultation@ed.gov.

All of those comments will be compiled, analyzed, and will go into a decision about whether we will proceed with an actual rulemaking process through the structure within the Department of Ed. And I need to remember to do the clicker, so that you can keep up with what I'm saying.

I have already flunked the clicker.  
My apology.

I would like to ask Bill to give us a little bit of an overview about the process today, and just very brief -- we had Jonathan Brice, who was able to join us for the webinars. We had a webinar for each of these -- PD and STEP -- last week. And we are continuing that with today's face to face, and an online opportunity again.

MR. MENDOZA: So the Department regularly conducts a review of programs and regulations that are derived from those

programs. And today for two of our programs, and a definition that relates to another, we are going to be reviewing these to determine if we need to create program regulations. So the tribal input from this process, we are going to speak specifically to those areas. And our team here today of program experts will walk you through, you know, some of the things that we prepared for -- to kind of inform today's conversation.

Should we succeed in being able to proceed with regulatory changes, this will affect the competitions for the FY15 cycle. And so, you know, just want to make sure that we flag for everybody what the timeline is that we are working on here, which is why, you know, we have had such an aggressive outreach and engagement from the tribal consultation input level.

And I'll let our team walk through, kind of, some of the efforts that are in place

right now and that we have already achieved to make sure that we are consulting with tribes.

MS. SILVERTHORNE: The process that we are using is a process that takes a considerable amount of time and a number of steps. Should we decide to proceed with rulemaking for the Professional Development Program, there is a process that will take us until June of 2015, and it will include clearance, it will include Federal Register notices that will also operate with opportunity to comment again.

So this is just the first part of this. This is dedicated to tribal consultation. It is early on, before we have decided our direction. And we are going to use the input that we receive from these three sessions and any comments that we receive to consider how we develop, or whether we develop, a notice of proposed rulemaking.

MR. MENDOZA: As we shared, we will

have tribal leaders that are participating in the USET meeting, as well as other tribal leaders joining us. So if there are any elected or appointed tribal officials that are in the room, or as they come in, feel free to join us at the table for the consultation sessions this afternoon.

MS. SILVERTHORNE: Thank you.

We will be looking at the overview of how this program is operating. And Jonathan -- John Cheek is the discretionary team leader for our program, and he will give you a little bit of an overview of what the Professional Development Program is currently doing.

MR. CHEEK: Good afternoon. My name is John Cheek. I am Muscogee Creek from Oklahoma, and I have been here in Washington working on behalf of Indian education for going on 25, 26 years. So I have seen a lot of you at other events and other venues, so I appreciate your time and coming in.

I am currently the team leader for the Office of Indian Education Discretionary Grant Program. The program that we are looking at today is the Professional Development Program, and it is one of our three main discretionary grant programs that we administer.

In addition to the professional development, we have the Indian Demonstration Program, and also the State Tribal Education Partnership Program that we will be talking about after this session. But for our purposes today, we want to go into the Professional Development Program, and, really, the purpose of the program is to increase the number of qualified Indian individuals and education settings throughout the country, and especially in Indian country.

The focus of the program is to produce graduates with teaching degrees, licensure, and certification processes, and

also administrators. And we also have the ability to even produce ancillary education personnel, and even workers going into the social work field. Basically, that is the goal of this program. In its current process -- it has been around since 1999 in its current -- the way that it is formatted or shaped right now.

For 2013, we have about over \$7 million going out to our grants nationwide, and we have about 39 grants in the field right now. They are four-year grant programs. Of that \$7.4 million, about \$2.4 million is for new grants. So a lot of our funding goes for those continuation projects as they complete their projects over the course of a four-year timespan.

MS. SILVERTHORNE: In your packets you should have a copy of the PowerPoint that follows along with what you're seeing on the screen. You should also have a copy of a series of questions, and these questions will be

polling questions that will be done on the screen, but for the folks in the audience that is your opportunity to be able to keep track of your answers as well.

The polling today won't work quite like we did with the webinar last week. We were able to get results up right away and share them with the group as we went through. Instead, today we will compile them at the end. And so if you would like to have your polling information added to the rest of the polling that is done online, we will do that at the end of the program and we will collect anyone that would like to contribute theirs.

The memorandum that is attached as well explains the professional development, some of the background about it. It has the website, the email address, and it also has the topics that we are going to discuss. The first topic that we are going to address will be the job placement of participants.

MR. CHEEK: All right. For job placement, really, the question that we are wanting to ask is, should the Indian Professional Development Program place greater emphasis on grantees' ability to match participants with jobs upon training? And that is either a yes or no answer.

And I guess -- are they just responding on their -- they have the sheets.

MS. SILVERTHORNE: On their sheet. And for the people online, you vote in the polling box on the screen and hit Submit.

MR. CHEEK: All right. And after you've answered the yes or no question, then we have an example. In order to facilitate job placement of our participants, should applicants be required or encouraged to partner with an LEA or BIA school?

MODERATOR SHENDO: The question and answer for the polling is titled Tribal Consultation from the Indian Professional

Development Program, and it's two pages. So as the questions come up, you will be asked to fill out the poll, and, likewise, same will happen on the webcast as well.

MR. CHEEK: All right. Thank you. And there is also a second part to this question after you answer the first one. If so, should this be accomplished through -- we have selection criteria points, competitive preference points, or program requirements?

MS. SILVERTHORNE: As an explanation, those are technical terms that are used in our grant process. And we brought our attorney along today to be able to make sure that we had a consistent and legal response and explanation. Jill Eichner from the Office of General counsel.

MS. EICHNER: Hi. I'm Jill Eichner. So just to explain these three terms that you have, you see up there on the board, when an applicant applies for a grant such as

this professional development grant, in this case institutions of higher ed, could be a tribal college, could be University of Arizona, could be in consortium with a tribe, an institution of higher ed. Whoever the applicant is, there are certain requirements they must do to even be considered, so the bottom one there, C, program requirements, is what every applicant has to address in order to even be considered for funding. And if you don't address that, you will not get funded. It is absolute.

So an example would be on this question, about should the applicant be required to have an agreement with a school district, for example, a connection where the graduates of the institution of higher ed would find jobs in that school district. Okay? So there might be an agreement between the college and a school district for jobs to feed them right in. Okay? If that were a program

requirement, then the applicant would have to have that in place in order to apply.

Option B, competitive preference points, would be that any applicant that has that in place would automatically get a free five points or a free 10 points, whatever it is that the program decides to award. It gives you a preference above all other applicants, but it is not required. So it is not going to kick you out if you don't have that arrangement with a school district, but it would give you a big boost.

And then, going back up to the top one, A, selection criteria points, that is the least emphasis. So the biggest emphasis program requirements would keep you out of contention. Competitive preference points gives you a big advantage.

Selection criteria are all the criteria that every applicant is judged against. So the current criteria are things

like need in your area, strength of your management plan, the evaluation, there is a number of different items that you are rated on by the peer reviewers in looking at every application. A lot of programs have many, many selection criteria, quality of personnel, et cetera.

If you have points under selection criteria for -- in this example it would be, do you have a partnership with a school district, then that's not going to give you as large of an advantage over other applicants as B would be, the competitive preference. And it obviously wouldn't keep you out of contention if you don't have it, like C would be the program requirements.

So there is going to be several of these slides that you are going to see, that John will talk about or Joyce will talk about, when you are going to have the same three options, when you are going to want to give your

opinion as to how strong should that requirement be? Should it just be a little bit? A medium? Or an absolute requirement? Those are basically the three options.

MS. SILVERTHORNE: Thank you, Jill. This is an important thing to understand, because this is how the difference between whether we do rulemaking with this or not will make a difference to the next time someone is going to write a grant. The grant document that you use will have these kind of criteria spelled out, and that's what you answer -- what you write to.

Okay. And the next topic is going to be the areas of need.

MR. CHEEK: All right. This next area, area of need, should the PD Program -- we will be using PD rather than professional development, since it's a little bit shorter. Should the PD Program place greater emphasis on encouraging applicants to focus their

proposals on areas of greatest need in the schools where program participants will be placed such as particular subject areas, grade levels, or areas of behavior or social need, as in support staff or school counselors? And you would answer yes or no to that one.

If so, what are the greatest areas of need? Should need for teachers in the immediate geographic area be a selection criteria, competitive preference points, or program requirements?

MS. SILVERTHORNE: We're moving through this rather quickly, and our attorney is advising that we really should be stopping more for some questions. If you have any questions on any of the topics, please come to the microphone in the center of the room. The reason that we are asking comments to come to the microphone is so that they can be recorded. This will become part of the transcript for this session.

MODERATOR SHENDO: Are there any questions on Topic 2, area of need? And please remember that as you come to ask your questions to state your name, the organization/entity you represent, or the tribe that you're with.

Okay. Seeing that there's no questions -- are there any questions coming up through the chat line?

Okay. All right. We will move on to the next topic.

MS. SILVERTHORNE: Topic Number 3 is the recruitment and retention of participants.

MR. CHEEK: Should the PD program place greater emphasis on applicants' abilities to recruit qualified participants who are most likely to complete the program? It's a yes or no response. If so, should these objectives be accomplished through the selection criteria, competitive preference points, or grant or program requirements?

MS. SILVERTHORNE: Any questions?

Any questions?

MS. ABRAMS: Barbara Abrams, representing Barbara Abrams again. I just have a question on how you decide -- if you could go back to the last slide, please. Okay. Having worked in an admissions office for a number of years, you always hope that you will select applicants who are going to be successful. But what are the criteria that you are using to decide whether or not someone will be successful? That's sort of a -- it's not spelled out. I mean, I think that to me that's a little tricky.

MS. SILVERTHORNE: I agree that it is. In the concern for why this question has been brought into this is that, as part of the effort to improve the success for overall within the program. Is this something that we can regulate through how we admit people? Do we admit them as freshmen? And do we get

experience and opportunities out into the education community with them early enough, so that they know if they really want to be a teacher?

We hear horror stories about folks that realize at the end of graduation that they didn't know that teaching was going to require six hours a day in front of all of those kids, and that they may not be quite ready for that. So we are trying to get some of those kind of things addressed within this.

Maybe part of the way that this question can be responded to, we are looking for any ideas to improve this. We know that we have a high dropout rate of folks in the program. And what can we do to better improve that success rate? Is it the way that we recruit? Is it the way that we make efforts to retain the students in the programs? Does that help some?

MODERATOR SHENDO: Are there any other questions with respect to the current

topic?

Amara, do we have any questions through the chat feature? Okay.

And please remember that if you have any thoughts or notes that you also are welcome to write on your comment cards, or through the Ed Tribal Consultations website and the email address.

MS. SILVERTHORNE: In Topic Number 4, we are talking about induction services. Induction services in the current program are delegated to the fourth year of the program, and that has to do with the services that an institution may provide to its graduates and to the folks that are completing. What kind of services that might include could be mentoring, could be job contact once they receive a job, could be assistance in finding a job, any services that the institution is able to create that help to make that first year a success.

We know that many teachers, many

administrators, if that first year isn't successful or it doesn't go well, that that tends to be when they decide if they are going to stay in the profession or not. And so trying to make it a more successful first year.

MR. CHEEK: Really, under induction service, we want to know, should the PD Program place greater emphasis on grantees to assist new teachers who are graduates of their project, in order to reduce the number of new teachers who leave the profession? So, whenever you get these students into these four-year programs, they have to have a bit of stamina to be able to make it through the entire four years and also the final year to do the induction service, which means they need to stay on track with all of their classes and maintain the appropriate grade levels to move up to the -- through the process.

So the fourth year is critical, and we have to make sure that we can get these

students through the process in order to meet the end goal of this program, which is to get the Indian professionals out in the field and the schools. That first -- that question was a yes or no. Should the PD Program place greater requirements on grantees to assist new teachers who are graduates of the program? And, if so, what type of induction services would be most helpful?

MODERATOR SHENDO: As you take some time to reflect and answer that, if there is any questions from the audience, please make your way to the microphone.

MS. LOPES-POCKNETT: I'm Renee Lopes-Pocknett. I represent Mashpee Wampanoag Tribe. I'm Education Director. So this is my first process with tribal consult, so forgive me if it doesn't come out just right. I am a little confused about the process, because I'm trying to think a couple of steps ahead here. So my first thought on this was --

this particular question, induction services, yes, it makes sense. In thinking ahead, I'm thinking, this would be a great collaboration for the tribe I represent to kind of partner with one of our universities that has been particularly supportive of us.

But I want to know how this might -- a yes question might play out in the writing of the grant, so that we could put it together, hopefully so it will be more successful. So the burden of the applicant, myself, and a university partnership, would that mean I would have to make sure that, if I choose yes, I'd have to make sure that the institution I'm partnering with has some means to add additional support to keep students in the program, is that correct? Okay. Thank you. I do understand it better. Thanks.

DR. MINTHORN: I also have a question. My name is Robin Minthorn. I'm an NIEA board member, but I am also Assistant

Professor at the University of New Mexico, and a recently merged Department of Teacher Education, Educational Leadership and Policy, but also jointly appointed with Native American Studies.

And so we are dealing with these type of topics in New Mexico, in the State of New Mexico. And so one of the things that I think of -- and my husband is also a teacher, a high school teacher at a high school that's public, that's 45 percent Native American. And so one of the things that I think of in this, is him negotiating the system within public education, but also being a Native teacher.

And I think one of the things that I see him struggling with, as well as other non-Native teachers is, how do you negotiate the system that you are placed in, in regards to teacher evaluation, Common Core state standards? I think those are the types of skills that teachers need to be able to have

whenever they are going through the process of their education, and so that whenever they leave the institution, as they graduate and they're a first year teacher, that they have that ability to negotiate balancing the requirements as a teacher, because you're dealing with students, parents, and all of these other requirements, as well as the state mandates that are there, and then depending on if you're in BIE as well, then there is the additional placement or requirements there.

But also, for Native teachers, I think it is also the balancing negotiating working with the community in which you're teaching. You know, that's the important part for our Native teachers is that if they're working in a Native school, that they have to be able to connect to the community and serve the students in an ethically and cultural manner. And so I think being able to have those balancing skills is really important for our

first year teachers, so that they are not under distress whenever they become a first year teacher.

So I think those are just recommendations in regards to that mentorship is really important, you know, having somebody who has been within the system over a number of years, so that they can have that continuity and don't burn out in three years. You know, I think that's a really big, you know, thing that we see, not just in Native teachers but across the board, you know, because of these new standardizations that are being placed within the system. So that's just some recommendations.

MS. SILVERTHORNE: Thank you for your very thoughtful comments, and that is exactly the kind of thing that we are seeking more input on, and looking at how these -- how this information will be used, is that it will guide us in how we design the program and any

changes that occur with the program. So thank you.

MODERATOR SHENDO: Are there any further questions or comments for Topic 4 under induction services?

(No response.)

And for those that are joining us, make sure that you do have one of the topic forms. We are currently, as we go on through the conversation today, are taking tally and input, so -- to make sure that we record your input, to make sure that you have a tally form with you as you get settled in.

One thing, before we move on to the next topic I think that is important, speaking from a tribal leadership perspective and a tribal education perspective, is that, in this particular area, I think it is very important for institutions to also work with their communities and see what the needs are and identify those. One of the things that I know

that is a challenge sometimes is that educational degrees, whether they be in early childhood education or within elementary/secondary degree situations, sometimes don't reflect the types of teachers that some of the community schools are looking for, that the education may not be relevant to the types of systems that are serving students.

One thing in particular that we ran into was that Headstart required early childhood degrees of our Headstart teachers. But as we shifted the program to immersion, we had to reteach our teachers. How do you approach teaching in an immersion setting? How do you use more of a Montessori method than what you have learned through the early childhood education process?

So I think in order for a program as this to be successful, it needs to be responsive and reflective of the schools that are serving students within our tribal communities.

MS. SILVERTHORNE: Thank you very much.

MODERATOR SHENDO: So with that, any further questions or comments on the current topic at hand?

(No response.)

Okay. If not, we will move on to Topic 5.

MS. SILVERTHORNE: Topic Number 5 is the cost of the training programs. As a new director with this program, I was alarmed as we looked at the wide range of what the costs would total for our students. Our students are required to participate in either a service payback, which is a month of training for a month of payback, or, if that's not something that works for them, or they aren't able to get a job that qualifies serving American Indian students, then it is a cost payback.

In either circumstance, that is of grave concern, and we want to look at how -- how

well institutions are monitoring the cost that the student assumes at the end of their program. And so what we're looking for is your advice about cost of training programs.

MR. CHEEK: Should the PD Program place greater emphasis on the reasonableness of the cost of training programs to avoid an unduly burdensome cash payback by program participants? And that's a yes or no response. And after that, what should be considered a reasonable cost for a training program?

MS. SILVERTHORNE: Advice from both sides.

(Laughter.)

First of all, the payback process under this current discussion for tribal consultation, we can't eliminate payback. We do know that there is concern for that option, but until the statute change we won't be able to address that under this particular process of rulemaking.

However, we have seen the cost of attending our program for professional development through Office of Indian Ed, our Title VII program, has ranged as high as \$160,000 for a student. That is an incredible amount of money. Even if you are paying it back on month-by-month, that risk, that jeopardy that a person is under for the payback is very high. And so how do we regulate this? How do we determine the best way to monitor and make sure that the programs are reasonable in cost?

MR. CHEEK: Also, under training, cost of training programs, should grantees be encouraged, or required to have a cost-sharing program, under which the institutes of higher education provide a certain percentage of the total program cost? And that is a yes or no response. And after that, what should be considered a reasonable cost for the training?

MS. SILVERTHORNE: Are there questions?

MODERATOR SHENDO: As you think through this next -- this particular topic, feel free to make your way to the podium if you have a question or a comment.

DR. MINTHORN: Hi. It's Robin Minthorn again. One recommendation that I would have is to incorporate a student debt ratio in their formulas for their budget, so that they are having to incorporate that and are being conscientious of the students who are participating in the program, so that they are being able to show that it is not an overexceeding amount. So 130- or 65,000 is way too much for a student to incur debt, even if they are paying it off on a monthly basis.

So I think one of the things I would recommend is for them to also have partnerships, whether it's having a percentage, you know, being covered by the institution of higher education, or if it's in partnership with like AIGC or another nonprofit

organization that provides scholarships or debt service, giving back scholarship loan debt service that they have. And so that's another opportunity.

But I think being able to show that partnership and collaboration with other entities, so that they are able to cover the students' costs, so that they are able to be able to afford that as a teacher -- as some of you may know, it's poverty level pay that you are being received to teach the children.

And so for them to be able to have the cost to cover that, and so they are not already in debt, and then having to negotiate everything else with it that is going on in their lives I think would really be important, especially if we are looking at Native teachers, who also have to deal with the cultural and the family issues that they are trying to help cover as well. So that's just a recommendation.

MS. SILVERTHORNE: Just as a note to respond to that, not everybody pays back in cash. The service payback really is a wonderful opportunity. I wish it had been in place when I was going through school. But it is a wonderful opportunity because that month of employment in the qualified position cancels a month of the cost of the -- attending school. So there is two sides of it. Both the payback process and the overall cost as a total.

Thank you.

MODERATOR SHENDO: Any other questions or comments from the participants in the room?

(No response.)

Amara, do we have any questions on the chat feature?

MS. OKOROAFOR: There are comments, but they are not particular to the consultation topic, so we will take them at the end during the comment section.

MODERATOR SHENDO: Thank you.

So there is no further -- oh, yes,  
please.

PARTICIPANT: I don't want to hold up the process, but I'm just curious -- under types of educators, one of the things that is really needed in our community is not so much licensed social workers, but psychologists, people that have a little bit more advanced training. But it's not listed here. Is there a specific reason why we didn't consider that? Or do we not consider educational psychology kind of an area that we want to think about?

MS. SILVERTHORNE: What you're seeing is an excerpt from the statute that may or may not include all categories of educators.

PARTICIPANT: Okay.

MS. SILVERTHORNE: But that doesn't mean that it couldn't.

PARTICIPANT: Thank you.

MODERATOR SHENDO: Thank you. And

please don't feel that you are holding up the process this afternoon. That is the reason we are having this consultation is to give you an opportunity to voice any concerns/issues that you may have, or to ask the questions that you need to of the officials that we have here at the table.

MR. MENDOZA: That being said, we have about nine minutes on this topic.

(Laughter.)

And we can address other specifics during the public comment period as well. So just being the bad guy here.

MS. SILVERTHORNE: And Topic Number 6 was types of participants. So, John?

MR. CHEEK: Okay. Is there a category of educators, as in social workers, special ed teachers, curriculum developers, Native language teachers, that the program should emphasize? Yes or no. And the previous response might be something that could

be considered.

And, if so, should this be accomplished through selection criteria points, competitive preference points, or program requirements?

MODERATOR SHENDO: So as you think through this topic, are there any questions or comments from the audience? Feel free to provide your comments via the papers that you are filling out.

MS. MUNRO: Hi. I would think as a regular teacher you are the social worker, the special education teacher, the curriculum developer, the Native language teacher, if you're teaching Indian students. So you would have to have all of these qualifications in order to -- even at an entry-level position as a teacher for Indian children, I think that kind of speaks for itself if you work with Indian children.

MODERATOR SHENDO: Thank you.

On the topic of types of participants, it's a yes or no question. And I see that the boxes aren't there, so if you will just write in yes or no on the form, as you fill it out.

Any other questions or comments on this particular topic?

(No response.)

Okay. If not, we will move to Topic 7, definition of the Indian organization.

MS. SILVERTHORNE: In the memorandum that you have on professional development, if you look at the last page there is a full explanation of the current definition of an Indian organization. And the questions for Topic 7 will be related to that definition.

As you are looking at that slide, both on the PowerPoint and on your document, the section didn't allow us to put in all of the words from the definition that is in the memorandum. So when you look at the

memorandum, the memorandum is the full information about this question. And do you support a change to that definition, or is the definition sufficient as it is?

MS. EICHNER: Hi. I just want to add that this definition actually applies to two of the discretionary grant programs that the Office of Indian Ed administers, this Professional Development Program as well as the Demonstration Grants Program.

So an Indian organization is eligible to apply for both of those grants. The current definition requires that the primary purpose of that organization, like a nonprofit organization, has to be education. And we know that there is a lot of organizations out there that have broader purposes, that maybe working on issues involving tribal housing or, you know, job placement, not just education, and so this question is, should the definition be broadened in the regulations,

because this is not a statutory definition and it can be changed in regulations.

So should the definition be broader to include other types of organizations that might have education as one of the purposes?

MS. SILVERTHORNE: Thank you,  
Jill.

MODERATOR SHENDO: Any clarifying questions or comments from the audience with respect to the definition of Indian organization?

(No audible response.)

Amara, do we have anything from the chat feature?

MS. OKOROAFOR: I do. I just don't know exactly what it pertains to, but I believe it's probably the question about special educators. A comment from Eva Kubinski. School psychologists would be another group to add, but then make sure that there are assurances that they have been trained in

culturally responsive practices. Even if they are Native, if they went through a mainstream education program, they may not have the training in how to interpret test results and provide culturally responsive support and counseling.

MODERATOR SHENDO: Thank you.

MS. SILVERTHORNE: Thank you.

These topics were generated by folks in the Department of Education and looking at concerns. They are based on experience of operating the program, concerns that grantees and participants have raised, so they are a compilation, but they certainly are not necessarily this complete list. There could be many other topics that could be raised. And if there are other topics, you are welcome to comment on those as well.

The comments, as they come in to the email website, or email site, the comments will be analyzed and we will be looking at the

majority of input that we get. We will be considering how we can incorporate those comments.

The sooner that you are able to get comments in to that email, the more likely we will be able to incorporate them as we develop the notice. And that notice would not be coming out for about another month yet, but it's being developed right away. And so the sooner you are able to get comments in, the more likely they will be able to have an impact on the process.

So with that, this will close the presentation portion for the professional development. And the next thing that we will do is look at the other program that is under consideration. But we will have comments from tribal leaders and the audience as we -- before we close out the day.

MODERATOR SHENDO: Thank you,  
Joyce.

And, again, if you do come up with thoughts, comments, or have notes that you want to reflect on, written comments can be provided for the discussion that we just had to IndianDiscretionaryConsultation@ed.gov.

That's

IndianDiscreiontaryConsultation@ed.gov.

And for the next topic, the STEP grant, they can be provided to STEPConsultation@ed.gov.

So as we move forward, the next topic that we'll be discussing is the State Tribal Education Partnership Program.

And, again, if you would like to make a public comment after this portion, feel free to go out to the registration table and sign up. There are also comments cards there if you are not comfortable addressing the audience here but would like to provide your written comments.

And for those that are on the

webcast, information will be sent out on how you can ask a question through the chat feature.

So, with that, I would like to turn the microphone back over to Ms. Joyce Silverthorne.

MS. SILVERTHORNE: Thank you. There is a little bit of difference with this next program, and the difference in the process is one that is an overall change, overall difference.

All programs within the Department of Education are reviewed for the current rule, making sure that programs are addressing the needs that they need to be addressing, making sure that things are operating the way that they should. That's a normal part of business within the Department of Education.

Within this next program, it was the program that was created through an appropriation that allowed us to create a pilot, to fund a program that did not have rules

previously created. Before we are able to continue with any additional grant-making process, we will need to create rules for this program.

So it's a little bit different than it was for the PD. For the PD, we have rules in place, and that is an ongoing process that will operate with or without rulemaking. This one will not make any new grants until rules have been established.

There's a little bit of a difference in how we will be moving through this. And as you look up at the screen, you'll see that there are some pieces that are a little bit different from the previous presentation. You should have a document that is a memorandum, and it will say Consultation on the State Tribal Education Partnership (STEP) Program. And it should be three pages, with the last page being a chart. If you don't have that, please raise your hand.

In addition, there will be a single page that has four questions on it, which will be the polling questions.

(Pause.)

For the folks in the audience -- for people at home, they -- we believe that there should have been a third page attached. If there isn't, we will get that out after the consultation. The folks in the audience, that page will be a discussion that we run through during the course of the slides. It has to do with the kind of functions that are covered within the program and the kind of topics that are covered within the program.

You should, however, have a single page that has four questions on it, and those will be the four questions for the first part or the first half of the program.

Again, there is an address, an email address, to submit any comments to, and this one will be STEPConsultation@ed.gov. Within that

address, again, we are looking for comments as soon as we can get them.

This one has some implications that are broader, or at least newer, to -- for us to be considering.

I will turn it over to John to give a little bit of an overview about what the current program funds.

MR. CHEEK: All right. This is for the State Tribal Education Partnership Program. And the purpose of the grant is to provide grants to tribal education agencies to increase their role in the education of American Indian and Alaska Native children.

Currently, we have four entities funded in different parts of the country. We have the Navajo in New Mexico, the Umatillas in Washington State, Oregon. And the others?

MS. SILVERTHORNE: Nez Perce Tribe with Idaho, and Chickasaw with Oklahoma State, and that is a consortia with the Cheyenne

Arapaho.

MR. CHEEK: All right. These programs have just completed their first year of activity, when they were first funded in 2012. So for this second year, they are in the process of just continuing on with activities. And before we can fund any more grants, as Joyce mentioned earlier, rules will have to be established for the program for the next grant cycle in 2015.

MS. SILVERTHORNE: When we start looking at the topics to be covered under this, there are several that are very important, as we look, first of all, of whether or not we are going to look at change to the current pilot process.

MR. CHEEK: Would you be in favor of a change in the STEP program, to include the goal of coordination between the SEA, LEA, and public schools that are on the tribe's reservation and tribally controlled or

facilitate the sharing of information regarding the tribe students? And that's a yes or no question.

If yes, what information about students should be shared, and for what purposes?

MS. SILVERTHORNE: Are there questions or comments?

MODERATOR SHENDO: So as you go through that question, please feel free to make your way up to the microphone if you have a question or comment.

MS. SILVERTHORNE: This question actually does relate to something that we heard earlier, and that was the concern about FERPA and whether or not the program with the tribe was able to access information about students.

MR. MENDOZA: And I think, just to add some context to that, some of the things that are happening in the state of California, Northern -- I'm thinking of Hoopa Valley in

particular, some areas of Washington State and in New Mexico, both with the Bureau of Indian Education and Navajo Nation, but the state of New Mexico as well with Navajo Nation, in terms of just data exchange and accessing student-level information.

So, you know, these are concerns that we hear regularly from the field, and it was brought up in some of our earlier conversations today as well.

MODERATOR SHENDO: So if anyone has any comments or a particular question with respect to the topic at hand, which is sharing of information, data, et cetera, between the local education agencies, tribes, public schools, and the state education agencies.

(No audible response.)

Amara, do we have anything on the chat feature? Okay.

MS. ABRAMS: Barbara Abrams. I have a question about -- you said public schools

that are on the tribe's reservation. How many schools are we actually talking about? And it doesn't affect public schools where they are not on the reservation, is that correct? I would think that the majority of students are in schools that are not on reservations.

MS. SILVERTHORNE: The current structure of the STEP grants are restricted to only public schools on the reservation that they are serving. And so this is asking if this ought to be a broader definition.

MS. ABRAMS: Thank you.

MR. MENDOZA: And I think you bring up a great point as to how many schools are we talking about here and what is a meaningful -- for instance, one of our grantees -- Umatilla -- they are receiving a STEP grant for the use of one school, whereas with Navajo Nation, they are receiving a grant for an entire school district, Albuquerque Public School District.

And so, you know, there is numerous

schools in there -- I can't remember what the count is for Albuquerque, maybe Joyce knows, but --

MS. SILVERTHORNE: Twenty-six schools.

MR. MENDOZA: -- that is exactly -- 26 schools. So, you know, what is a meaningful number there is something that we are especially interested in. Is it one school? Is it, you know, more than one school, you know, as to how that relates to the school number?

Nationwide, I think we ran some numbers here, and, you know, we can try to communicate that out as to how many -- identifying how many public schools are on reservation was a -- you know, kind of coordination of information that we have to kind of piece together in terms of Impact Aid school districts and other indicators that might be able to help us there. So we will try to communicate that out.

MS. SILVERTHORNE: Also under consideration there are 566 federally recognized tribes, and there are many different options within -- at this time, the current grants are not able to serve Bureau of Indian Education schools, and many of our tribes have both kinds of options.

It varies greatly among all of those different tribes, and we are really trying to look at how we can address the greater numbers.

MODERATOR SHENDO: Thank you, Joyce. And I believe we have something coming through the chat feature.

MS. OKOROAFOR: Yes. From Robert Burton. The education info should be shared without revealing the student's name, but should include tribe and age and grade level, and if the child is a special needs student.

MODERATOR SHENDO: Thank you.

Any questions or additional comments?

(Off microphone comment.)

Oh, you didn't hear the comment?

Okay. Amara, can you --

MS. OKOROAFOR: Sure. The education info should be shared without revealing the student's name but should include the tribe and age and grade level, and if the child is a special needs student.

MODERATOR SHENDO: One thing on -- coming from a tribal perspective, again, I think that's important, is even beyond the STEP grant that discussion needs to happen on what information can be shared between state education agencies, local education agencies, and tribes. In order to best serve the needs of our students, there needs to be some collaboration in terms of where students are at, whether it's academic performance, disciplinary, if there are special needs that need to be addressed, because if that communication isn't happening, somewhere we're

losing our students between the cracks and as they transition from systems.

As you shared, some communities are served by Bureau schools, public schools, charter schools, private schools. So there is no collaboration/coordination been happening between all of those entities. And if the tribe is trying to play a central role in coordinating services, if information is limited, then the services that are provided are also limited.

MS. SILVERTHORNE: Thank you.

MODERATOR SHENDO: And I don't believe there's any further questions on the current topic, so we will move on to Topic 2.

MS. SILVERTHORNE: As we look at these kind of changes that will take place with the STEP program, there is a question about how the granting ought to be handled. Should this be a consortia of tribes? Or should this be single grants to single tribes?

Within the Department of Education, there is a Migrant Education Program. And the Migrant Education Program has a process that they call M6, and it is a process that takes -- that tracks their students, no matter what school they may be in, and it keeps track of their grades, their progress, what kind of work they have been doing, and follows them from one crop to the next. For migrant education, frequently there is a very high mobility of students.

For Indian education, we sometimes see a high mobility of students. And wondering if that might be something that we could look at. Is that a model that might be useful? It is a consortia of all of the different schools in the state that serve migrant education. Is it state by state, though? It is, is it?

PARTICIPANT: All of the states can access it that are a member, yes.

MS. SILVERTHORNE: All of the

states can access it that are a member, but each state has some criteria that they feed into it.

MR. CHEEK: In regard to the M6 program, it is currently undergoing a notice of proposed rulemaking. That notice published in the Federal Register on December 27th, I believe. And if you want to take a look at what a notice is supposed to look like once it is out for public comment, you can take a look at that. And once the STEP NPRM comes out, it should look somewhat similar to that, at least in the structure. Content-wise, it will be different.

MR. MENDOZA: I just want to make sure I'm asking the question here. Joyce, can you talk about how under STEP right now, consortias can be formed as we have with Chickasaw and Cheyenne and Arapaho? How would this be any different than that?

MS. SILVERTHORNE: It wouldn't be any different, but it would be whether that is

a preferable model as opposed to a single tribe.

And I'm --

MS. EICHNER: Here's another thought. Sorry. The other thought was that if tribes wanted to have a larger regional sharing system of data than just a small geographic area, which is what they are doing now for the STEP program. If you wanted to cover, let's say, four whole states and include all of the tribes affected to have a really large data system, that's a whole different envisioning of what the program could look like.

MODERATOR SHENDO: Any questions or comments on this particular topic? Mr. Roman Nose.

MR. ROMAN NOSE: Quinton Roman Nose representing TEDNA, Tribal Education Department's National Assembly. I think there should be a C included in there for both, because I think a lot of people that are

familiar with tribal education departments and TEAs, they understand because of the environment of resources and capabilities of TEDs and TEAs and also the regional locations, geographic location, it shouldn't be exclusive, one or, it should be given an option to do either way. I can see that, you know, if we were just dealing with data, it might be a consideration. But there's other things involved with this.

Thank you.

MODERATOR SHENDO: Thank you. Any other comments or clarifying questions from the audience?

(No audible response.)

Nothing on the chat feature? Just if you can share the comment. Thank you.

MS. OKOROAFOR: Comment coming from Eva Kubinski. I am at an SEA, but have also provided technical assistance to Title VII programs and tribal education departments in my

previous work. Currently, schools, at least in my state, do not get tribal enrollment information about students, even the one I worked on that was on a reservation.

It is often difficult to get parents to reveal that children are Native American in off-reservation schools. Plus, even the larger schools may have too few students to protect their identity if their name is left off. Maybe tie it to specific activities, e.g. after school programs, education support, and then there can be an MOU between the tribes and the school districts.

MODERATOR SHENDO: Thank you.

Joyce, is it possible to share -- oh, yes.

PARTICIPANT: Just one question. I just wanted to know, is there a difference between A and B? Are they treated differently?

MS. SILVERTHORNE: They are not currently treated any differently. The

programs that we have, we have one consortia, and we have three programs that are direct to the tribe.

MODERATOR SHENDO: Joyce, can you share maybe what the current pilot, what opportunities have presented themselves in terms of being a consortium or the single -- and if there is any challenges that have been faced by some of the grantees? Just to give people an idea of some of what the consortiums are working with and what the single tribal entities are working with.

MS. SILVERTHORNE: I think the biggest difference between the consortia and the tribes direct-funded is the volume of schools and programs that they are able to access and -- both access and serve. With the direct to the tribe grants, that is a -- that is dependent on what the structure of their education within their community looks like, for how large an impact that particular grant

may have.

That doesn't make them wrong. That doesn't make them less. It only makes it different. And so for the consortia, the consortia can come together. They are a larger collaboration. Certainly, it probably would impact how many students would be served by it. But it isn't really a quality issue. It's how can we best create this so that we can get the impact out there across Indian country.

MR. MENDOZA: And I think one of the considerations here is particularly those school districts -- those school districts that have large proportions of intertribal representation. You know, where there may be a vested interest from multiple tribes, say, in New Mexico, Utah, other places, South Dakota, for example.

And so, you know, those are some of the kinds of conversations that were already happening and lead up to STEP on how they can

grapple with, you know, those same kinds of interests from multiple tribes.

MODERATOR SHENDO: Okay. Thank you very much. There's another comment or question coming.

DR. MINTHORN: It's a comment/question. My name is Robin Minthorn. So, my husband -- or, actually, my dad's family is also from the Confederate Tribes of the Umatilla Indian Reservation. And so Nixyaawii is the school that receives the grant funding for the STEP program.

But I think the dynamics that may not be included in there is that Pendleton Public Schools is right there within a couple of miles from -- and my husband's, my father-in-law is the tribal education high school counselor there. And so he serves a number of Umatilla students there within the local school district, as well as what Nixyaawii does on the reservation.

But there's also other surrounding school districts, like Athena, Weston, and these other places that also educate our children. So I just wonder if there's an opportunity, even if it's not a requirement, whether it's a single grant or a consortia of tribes, that they're accountable for where their students are being placed. So is there just a way for the tribes that report -- that apply for the single grants, that they can report where the students are attending schools at, if they have that capability?

So, for instance, like Umatillas, if they applied for a STEP grant for Nixyaawii, what are the other school districts that your students are attending school at, so that there's accountability measures for how they're going to also connect and outreach to those students, because you also want that -- resources going to the tribal school because that's really important, to have that ability,

but it's also important to reach the students who might be attending the local public school or other school districts as well.

So I don't know if there's a way to be considerate of that as well. And if it's multi-tribal, then of course you have that ability to do that. So just a consideration or a comment.

MS. SILVERTHORNE: Robin, I think you were reading ahead.

(Laughter.)

The next question is related exactly to that, and looking at the question of whether it ought to include those border towns.

MODERATOR SHENDO: Okay. Joyce, before we move on to Question 3, I believe we have a comment or question coming through the chat feature.

MS. OKOROAFOR: Comment from Joyce McFarland. Continue options of single tribe or consortia of tribes for STEP grant

applications. Collaboration among tribes in a single state may vary across the country. Wouldn't want to eliminate a tribe from applying if they couldn't get other tribes in their state or region to partner as a STEP consortia.

MODERATOR SHENDO: Okay. Thank you.

Do we have any other comments from the audience here, or questions?

(No audible response.)

Okay. We will go on to Topic number 3. Joyce?

MR. CHEEK: Would you be in favor of a change in the STEP program to include the TEA's involvement with not only public schools on the reservation, but also nearby off-reservation public schools that serve a certain number or percentage of students from the tribe, under agreement with the affected LEAs as well as the SEA? And that's a yes or

no response.

MODERATOR SHENDO: As you read through that question, if there are any comments or questions, clarifying questions from our audience, please feel free to make your way up to the microphone.

MR. ROMAN NOSE: Quinton Roman Nose, TEDNA. I think that's a really great question. Certainly, we would be in favor of that for circumstances that was just talked about earlier with nearby reservations. But I also wanted to, you know, include, you know, those large urban areas that have a substantial amount of Native American students.

Where I'm from in Oklahoma -- I'll just use Oklahoma City Schools District as an example -- first, there is a multitude of tribal representation in the student today, in the Native American student body. So it will take a consortia of tribes, you know, to deal with those situations.

I think the urban Indian education situation has been talked about for years at many of these conferences and programs, and there is great need for urban Indian situations. But I think it involves a longer conversation with those programs, but it would be a way to get the tribes involved in the education of their members off-reservation, to include urban areas.

Thank you.

MODERATOR SHENDO: Thank you, Mr. Roman Nose.

Do we have any questions or comments coming in through the chat feature? Comments or questions from the audience?

(No audible response.)

Okay. Seeing none, we will go ahead and move to Topic 4.

MR. CHEEK: Should the STEP application require a description of the funds and other resources the grantees -- grantee and

its partners will use to sustain the activities funded by the grant after the grant's completion, as in resources from the SEA, LEA, or tribe? And this is a yes or no response.

So this, in essence, just really looks at what options would be available to keep the program active and sustainable after federal funding ends.

MODERATOR SHENDO: As you think through this question, again, please feel free to approach the microphone if you have a comment or if you want to ask a clarifying question.

You might as well just stay up there, Quinton.

(Laughter.)

MR. ROMAN NOSE: Quinton Roman Nose with TEDNA. I think this is really great idea. Once the grant funds are used, after a three-year period, you know, it's a big question of what's going to happen. And I think there are -- you know, it leads to the

discussion of, you know, there should be some incentives for LEAs and SEAs to partner with tribes to, you know, do these activities.

Oftentimes tribes, Indian ed programs, they are very unfamiliar with the federal title programs that operate at public schools. Many times, you know, they don't get the information from the schools or information that's not shared.

I can say that, you know, with the STEP grantees and the four grantees that have been awarded, they have opened communication barriers between states and tribes and LEAs, and I think they're learning more about each other. But, you know, unfortunately, you know, the money is there and there needs to be a commitment by all parties to continue with this.

I wanted to point out that earlier, there was a waiver process in which there was a requirement -- the Department of Education

was issuing waivers to states for the NCLB. In order to get this, they were to ask tribes to have involvement in development of that plan.

Unfortunately, most tribes were not familiar with the operations and what the abilities of each of the title programs in the school districts or even operated through the SEA. So even if they were able to get the tribes to give comment, I'm sure, you know, they weren't very in-depth. So I think that the more tribes learn about SEAs and LEAs, and the more LEAs and SEAs learn about tribes, I think the better off our students will be.

Thank you.

MODERATOR SHENDO: Thank you, Mr. Roman Nose.

MS. WARITO-TOME: Hello.  
Ronalda Warito-Tome, a board member for NIEA. I specifically work for an organization called EPICS, Education for Parents of Indian Children with Special Needs. And we are currently

taking on a Reading Results Program in partnership with the State of Public Education in New Mexico to increase reading scores in our highly Native-populated schools.

And currently, we're working with Santo Domingo Elementary and Cochiti Elementary. And what we have seen with our organization is we have been challenged to take on the responsibility of increasing parent engagement and community engagement and seeing how, in partnership with schools, that we can increase reading scores.

And currently in Santo Domingo, we are doing such. The principal there has taken his leadership role to interact with the Santo Domingo, Pueblo, and the Education Department to use that information and the partnership to not only enhance his abilities based on culture and language and what the barriers are in keeping out the parents within their own community, out of their own school, but he has

realized the significance of creating these partnerships.

And then, also, how do you incorporate culture and language for him to understand that those are key principles in helping to increase reading scores.

And so with all of that, the school district has also included community engagements, and they have had funding from other resources, the books that they're also purchasing, but also our role is to increase the knowledge and awareness to parents about what literacy is.

But the other thing within our organization is we also had to look at the barriers and what was keeping out our Native parents out of these public schools. And so once we addressed that and brought that to the principals and the school district and to the state, they had a better awareness of how we have to create these community engagements, and

how do we use funding specifically to increase reading, but not just to the school but to the community and parent engagement.

So it's happening in some of these areas, and I know we are doing that, and I just wanted to bring that to the table.

Thank you.

MS. SILVERTHORNE: Sounds like a very interesting program. Thank you.

MODERATOR SHENDO: Thank you, Ronald. Do we have any further comments or any questions, additional questions?

(No audible response.)

Amara, do we have anything on the chat feature?

(No audible response.)

Okay. Seeing none, I believe the next portion of the presentation will be on the examples of functions of the State Tribal Education Partnership Programs.

MS. SILVERTHORNE: Thank you.

This is a discussion that is a little bit complex because we're going to take you through nine different areas. And within those nine different topic areas, we're going to take a look at some examples of functions that could be handled through each one of them.

And within each one of those topics, we'd like you to tell us what your greatest needs are in your communities, so we'd like you to rank the three different suggestions. And what that hopefully will give us is some idea of what the greatest need from the people who are participating, the greatest need that we have, and how we address the structure of the grants.

MS. EICHNER: I just want to add that in choosing, in each one, there's going to be three boxes. As Joyce said, you'll have a ranking of one, two, three. And in choosing which one you think the TEAs should take on, the idea is not that they shouldn't do all of them,

but these go in order from more broad oversight to more hands-on involvement in schools.

And so, really, the program wants to get -- and Joyce will explain this to you -- wants to get input from the audience on that level of involvement.

MS. SILVERTHORNE: This has been a particularly challenging process for us to try to demonstrate to you and explain what we're asking you to answer. And so if you take a look on the memorandum, and on page 2 there is an example. If anyone in the room was a participant with us on the previous webinar, it didn't look like this last time.

We adjusted it because we felt like we didn't get to the right kinds of questions, and so we have made some adjustments trying to get this a little bit more to what we are actually looking for. And so, first of all, the chart is one that we will get out to you. You will get a copy of this chart. If you have

your email address with us, we will get you a copy of the chart. We thought we had it. It didn't arrive. We will get it to you after the session.

For the black boxes, those are the topics. For our example, the example is going to play a game. We are going to do something, some kind of a game. So in your community, what is the greatest need or the greatest interest that you have?

We have three different options -- develop the rules, coach the team, play the game. And, again, this is from the most structured point to the most hands-on point, with one step in between.

So if your interest in working with kids in your community and where you think it's the most important thing to do is to get out there and play the game with them, that would be your number one choice. You choose which of the three is number one, number two, number

three.

In the example on your memorandum, the person chose Acoach the team.<sup>6</sup> That they need Native American folks that are involved in coaching and running the league. And so that was the most important thing where we needed people involved. So that was their choice.

There are no wrong answers. There are no right answers. We are trying to determine from this whether our step programs should be at the broadest level or the most hands on.

Item Number 1. This particular item is a topic about Native language and culture. The functions that we are going to consider -- developing the standards for Native language and culture, design a curriculum based on Native language and culture standards, provide instruction on Native language and culture.

There are no wrong answers. All of

these are important activities. What is the most important or the preference that you would start with in your particular situation?

I'm going to ask for a show of hands just as a -- for no particular reason, just a general count. How many would choose develop standards for Native language and culture as your most -- your highest priority? Three, four, of maybe 20 people.

How many of you would choose design a curriculum based on Native language and culture standards? Seven. And I'm going to say 20. That's not an exact count of the room, but that's a pretty good estimate.

How many of you would say provide instruction on Native language and culture?

So what this would tell us is that the majority of folks in this room considered designing a curriculum -- the highest number would -- that selected this as a first priority is for designing a curriculum. In this room,

seven out of 20. Five out of 20 in direct instruction. Four out of 20 in the standards.

So what we would assume from that is that there is a need for programmability that is pretty evenly split over the three levels. I'm looking at my attorneys for help.

That is how we'll do it. And so  
that -- there are no wrong answers. There are  
no right answers. This is simply to help us  
better develop how the program will work.

Right now, our STEP grants are working at the highest level. They are working as how a state education agency functions. Those are the functions that were -- that we assumed would be the most relevant for the STEP grants.

MODERATOR SHENDO: Joyce, would you want these forms turned in, for them to tally at the end of the session?

MS. SILVERTHORNE: I would love  
that, but we did not get the third page copied

on the memorandum that everybody got. How many of you have a copy of that chart?

MODERATOR SHENDO: How many of you have a copy of the memorandum, of the chart and the memorandum? I think everybody.

MS. SILVERTHORNE: Wonderful. Yes. If you have a copy of that chart, please do just jot down on that, we would love to be able to pick these up at the end.

Thank you.

These will be anonymous. They will not reflect on your program. If you decide that isn't how you want it to go, that isn't going to harm your program whatsoever.

MODERATOR SHENDO: And if you don't have a copy of the memorandum with the chart, Victor, in the back of the room, if you'll wave, he can provide you with it.

And just a time check, we have 15 minutes left for this portion.

MS. SILVERTHORNE: Oh, wonderful.

So we are going to go through all nine of these examples. And, first, what we would like you to do is to select, rank those three boxes on the right-hand side.

Number 2, using student performance to improve outcomes. Select your one, two, and three, on the right-hand side.

Number 3, effective teaching and learning -- leading, I'm sorry. Teaching and leading.

Amara, do we have any people on the phone asking questions on this?

MS. OKOROAFOR: No.

MS. SILVERTHORNE: Continue through the nine that you have on your sheet. And at the end of about five minutes, we'll take comments about the process that -- and tell us what you thought about how this worked.

(Pause.)

I understand the people who are online did not get the third page of the

document. We will send this out after the session, and you are welcome to send that in to us at your leisure.

When you see the PowerPoint and you see all of the nine topic areas, it is, again, looking at the broadest kind of implementation activities to the most hands-on implementation kinds of activities.

We have one more step that we will do with this same chart after this, and so I'd like to go ahead and move ahead. I know that this is -- that you may or may not have finished all of the questions, but we are leaving folks online just sitting there waiting for us to complete.

So if we could go ahead and move to the next part of it. On the chart -- and, Bernadette, could you put the one up with all nine topics on it, please. On this chart, we have the nine topics. What we would like you to do is tell us your top three areas that you

think your community needs to work in. Which one of these is your number 1 choice, your number 2 choice, and your number 3 choice?

And the three areas have to do, again, with topics. They are not exhaustive. If there are other topics you think ought to be considered, certainly add those as well.

(Pause.)

If you have completed that page, could you just raise your hand for me for a moment? Let me see if we're -- okay. Would anyone like to share what their efforts tell them about where they think their programs would benefit most, at the moment -- the higher level kinds of activities, the more -- I don't want to say Ahigher.@ There isn't an evaluation about higher, but it is the broadest kind of activities, or closer to the hands-on. What is the preference that you would have in your community?

We need you to come up to the

microphone. It's being recorded and they are asking for names, so we need to --

MODERATOR SHENDO: State your name and organization.

MS. WARITO-TOME: Sorry. Ronaldia Warito-Tome with NIEA Board. What I'm seeing as a prominent area of first priority anyway is school climate. And that's initially what we're doing when we do visit the schools is taking a perspective of what the barriers are with parents, looking at the barriers also with teachers, and then coming to the principal and asking him how we can create family engagement goals, also staff goals, and then looking at -- the second one was the parent engagement.

And once you look at the barriers and the school climate, then you have to initially start looking at the truth of your school, and start looking at, how do we map out and look at the positives and negatives. And then, once we saw that, we saw the parent

engagement increase.

And then once you have an increase and you have culture and you have language coming into the school, then you can work on the cultural competence, and then everything sort of -- you know, lay a foundation, and then work on the other areas. But initially it is that community effort that comes together to direct a lot of the other things. My perspective.

MS. SILVERTHORNE: Thank you very much.

Would anyone else like to comment?

(No response.)

MODERATOR SHENDO: Amara, do we have any comments on the chat feature? Go ahead.

MS. OKOROAFOR: One of the participants wanted to let you all know that people online should be allowed to vote on this as they were able to vote previously.

MS. SILVERTHORNE: Thank you.

MS. OKOROAFOR: And they should send in their votes via email.

MS. SILVERTHORNE: The amount of time that we allotted to get through all of these pieces was one hour for each of the webinars. And so we have actually exhausted that time, and the final point for consideration with the STEP comments is, again, that the sooner we get comments in, the more likely we are able to incorporate them as we look at any kind of edits and adaptations that we make into the rulemaking process.

We do know with the STEP grant that we will need to make rules. Please, when you have your comments, if you would like to share the chart with us, that would be wonderful. We would love to do that. We will be sharing with Kevin -- and he said that he would be interested in sharing with NIEA the results of the polling that was done. We aren't able to tabulate them and put them on the screen for you right now,

but we will be able to after the session is over.

And that will be available, and I believe he is going to try and share that with NIEA tomorrow. So we will have that available to you.

And, again, there are no right and wrong on this. But we are trying to look at what is that broadest area of impact that we can make and make sure that the STEP process and structure meet the greatest number of needs that we can make them meet.

With that, that closes the consultation process, and then we will -- are we going to take a break?

MODERATOR SHENDO: Yes. We have a break coming up, a 15-minute break. But before we do that, Bill, would you like to share a few words?

MR. MENDOZA: It might be before we have the closing we are going to come back. I think I can reserve the direct comments for then -- closing.

MODERATOR SHENDO: Okay. So please remember, if you'd like to make public comments in this next session after the break, sign up with the registration table outside for those of you that are onsite. And those of you that may have questions and comments, we have a chat line that are participating on the webcast. Amara?

MS. OKOROAFOR: Just a point for housekeeping. The forms that you filled out, we will have one of our colleagues out there collecting it. So we'd like to be able to submit it back to Department of Education.

So both the STEP and the professional development forms that you fill out, basically the voting, that would be very helpful.

Thank you.

MODERATOR SHENDO: Yes. It's important, if you can leave both forms from both sessions this afternoon. What we have asked

for is to tally the results from the individuals here, from those that are participating on the webcast today, and then from the webinars that were held prior to this consultation, so that we get an overview of what the results are from the three different entities that have been participating in the voting and ranking process.

And with that, I wanted to also share that Mr. Seth Galanter, who is here with the Office of Civil Rights this morning, did leave some cards. If there is individuals that have specific questions that may want to get in touch with him, we do have his cards available here. If you do have general information or questions that you need to -- general information or you need to obtain questions for the Office of Civil Rights, you can email them to OCR@ed.gov, O-C-R at E-D dot G-O-V.

Again, I have Mr. Galanter's cards here, if you have specific questions for him and

if you want to get in touch with him. So at break, if you can please come and obtain those.

With that, if there is nothing else, we'll take a 15-minute break, and we'll see you back here ready to start at 3:30.

(Whereupon, the proceedings in the foregoing matter went off the record at 3:10 p.m. and went back on the record at 3:37 p.m.)

MODERATOR SHENDO: Okay. I hope everyone who wanted to speak this afternoon did sign up on the list. We will also have the list brought in here, so that if there is any thoughts that you may have while you're sitting here listening that you want to make, or comments, that the list will be available here for you to sign up as well.

Again, for those that are on the webcast and for any thoughts after today, there are opportunities to comment on the STEPConsultation@ed.gov and IndianDiscretionaryConsultation@ed.gov. So

those emails have been shared throughout the afternoon, and they are also in the paperwork. If anything, the website [www.edtribalconsultations](http://www.edtribalconsultations), with an S, dot gov, also has links to be able to make and provide comment and feedback.

So [www.edtribalconsultations](http://www.edtribalconsultations), with an S, dot gov is the website.

And with that, I will go ahead and give Joyce an opportunity to say a few opening comments before we get started with the tribal leaders' comments.

MS. SILVERTHORNE: The process of determining what will go into a rulemaking document is one that is very complex. And our opportunity today, as well as last week in the webinars, to contribute information through the polling process is one of an opportunity for input.

It doesn't mean that if all of the people in the room said yes to one of the

questions that that would automatically mean yes to the question on the NPRM. However, it does say that in this setting, with this number of people who were present, this is an indication of some of the information that we are seeing from the field.

And so we will consider that information, and look at how that affects the development of the rules and the process and the formal paperwork. So it is part of the consideration. It is not an automatic cause and effect. Legal attorneys, and we need to be sure to caution that that isn't to be interpreted that way.

So we thank you. We want all of the comments that we can. By the way, if you know of other people you think may have an opinion on either of these programs that were not here, or that were not present to make those comments, please share the information with them. We are interested. We are trying to get as broad of

input as we can possibly get.

Thank you.

MODERATOR SHENDO: Thank you,  
Joyce.

And, Bill, if you would like to make  
some opening remarks.

MR. MENDOZA: Thank you, Kevin.  
Thank you, Joyce. And I'm just really glad  
Joyce is emphasizing, you know, this process,  
you know, as one that it -- you know, those of  
us who know this work very closely, you know,  
we can see a lot of the moving pieces here.

And one of the things is that given  
that this is such a historic grant on the STEP  
side, you know, we are trying to grapple with,  
how do we make this make sense to everybody and  
kind of see what we're seeing at the  
grant-making level, at the rulemaking level,  
and then trying to channel what we have kind of  
experienced in these -- up to this juncture  
going through this process.

Particularly in the case of the STEP grants, we are just dealing with what amounts to, as has been conveyed by TEDNA, by NIEA, NCAI, our grantees certainly, that these grants are the foundation of that self-governance and those leading it, that being a catalyst to the self-determination of which we are all in agreement on.

And so the design of that is critical as we move forward, and so we are really counting on you all, everybody who has participated in our webinars and/or chimed in with us on this webcast here today, to make sure that the people who do have that information, that insight, are channeling that to us because we really do need all of the thought partners and help on this.

And not that our professional document and then how the definition of AIndian organization@ is affecting our demonstration grants, as well as not -- it is not that those

aren't important as well. They are critically important.

But particularly the STEP grant is one that we are at a historic juncture here and we need to make sure that as we go out the gate on this rulemaking for this that we are dumping all of those thoughts into this effort that has been the life work of people like Quinton here, and Joyce, you know, who are very instrumental in the founding of that organization, and many others in the room here as well.

So I just wanted to really stress the importance of this effort. And time and time again, when we come before you in very broad terms, general terms, 30,000 foot, we always have individuals that say, AWe need to talk about the regs. We need to talk about the process. We need to talk about, you know, the statutory derivatives. @

And so this is what we're trying to bring before you and get down to these levels

of conversation. And so in your public comments, if you feel like there is other areas that you'd like to comment on as well, please do so, because, you know, those give us the ideas for the next consultation and what we need to bring before you.

With that, thank you so much.

MODERATOR SHENDO: Thank you very much, Joyce and Bill.

Okay. As we shared, there was a sign-up sheet at the registration table that we will be going off of. And we will be starting with those that are tribal leaders, the leadership that we have here, with respect to our public comments. And also, if you are an elected or an appointed tribal leader joining us this afternoon, please join us at the table. You can use the microphones here to provide your public comments.

Okay. First up -- and before we move on, there is also a blank sign-up sheet at

the end of the table here. So if you didn't get a chance to sign up outside at the registration table, please feel free to sign up on the sheet here, and it can be passed around as well, too. Or if you get the urge as people are giving comments, please feel free. This is your opportunity.

So we move on with the first presenter. We have Juanita PlentyHoles with the Mountain Ute Tribe.

MS. PLENTYHOLES: Good afternoon. You know, just sitting here and listening to the presentations and all of the comments, you know, when we talk about education, there is a lot of different components involved when you are looking at, you know, education itself. And it sounds like there is a lot of committees and subcommittees that are working in all of these different areas.

So at some point, you know, you are going to have to come together and try to

resolve -- you know, come to an agreement on all of those different components, because, you know, you are not only looking at your curriculum, you know, and all of the areas -- all of the things that tie into curriculum, and then there is the public school versus the reservation school.

For our reservation, Mountain Ute Tribe, we don't have schools on our reservation. We just have a Headstart. But our school -- our kids go to public school, and, you know, we've got to bus them 15 miles, and then -- and so, you know, our kids up there face a whole different set of issues there and trying to -- you know, I think for the tribe we have done what we can to, you know, have the ties and the working relationship with the school district in that. And, you know, it's working, but, you know, there is always room for improvement.

But, you know, just -- and, you

know, at our top level, we have our meetings in that, and we have our roundtables, and, you know, we -- we work, you know, we talk, and we come up with some things that we can work on in that, but, you know, it's all good up there at the top level.

But getting down to the bottom level is, you know, where it's really needed because the interactions between our students and the teachers is not that great. And a lot of our students are struggling there, and, you know, and we try to identify those and try to work with our school district, and our principals and that.

The other thing, you know, is with transportation. You know, we all have those transportation issues. The other thing for us is, you know, the tribe puts in a lot of funds, as our Education Director mentioned, in support of services for our students. And, you know, the federal funds we get is not even -- I mean,

it's just a drop in the bucket with the amount of money that we spend.

So that's something I -- you know, when I come here, that's something I always address is, you know, what kind of support can our BIA/BIE give those of us that don't have schools on a reservation to help us offset some of the costs that we are spending for that student support. And, you know, what else can they help us with because, you know, our needs are great.

And, you know, the parents -- our parents, they always throw it back on our department to say, AYou guys have to provide that, you know, and what else can you guys do to help support our students?@ And I think a lot of times that's what we have to remember, is that we are all here for the students, and how can we help that student be successful in schools?

And I think a lot of times, you know,

lawmakers and that don't really understand that. So we've got to find some way to address that to them to make them see, you know, that we are the voice for our students.

And so, you know, there's a lot of work that needs to be done, and of course, you know, funding is the number one issue. If we had a lot of funds, you know, we could address a lot of those issues, but I think in this time that we are in now, it is going to be a little hard. And it is probably going to get harder, but, you know, just trying to remember that, you know, we're here to talk for our students and the issues that they face, because, you know, we're not in their shoes.

And we need to put ourselves in their shoes to see how they are viewing their education and that. And, you know, how can we tell them to be successful if we -- you know, we're just trying to figure out how to help them in that area, when we say we want our kids to

be successful. What are we talking about?

And what can we do to make our kids successful?

So, you know, there is a lot of areas that we need to look at, and, you know, a lot of -- it is good that we have the consultation process that is happening now, and, you know, but I think there needs to be more. And a lot of times the consultations that we have, they are really quick and they are fast, and you only have a few minutes to address something.

You know, one of our elders was telling us, when we had a meeting in Denver, he was saying, you know, a long time ago our ancestors, when they used to meet with, you know, these -- with the government, it used to take like two or three days, and they would talk, and, you know, just talk about things.

But now he says since then everything gets shorter and shorter and shorter, and so, you know, it's -- sometimes you have to just sit down and just relax and just

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talk about things. And, you know, with a lot of our elders, they like to go back in history and talk about events that happened leading up to, you know, the current, and, you know, I think that's how it is with a lot of tribes. You know, it's -- they just want to sit and just talk and -- because there is a lot.

And, you know, I just want to thank you for the opportunity you have given me to say a few words. You know, there is -- but there is a real need. And, you know, for us living down in the rural areas, you know, we have limited broadband. You know, so it interferes with our technology. And trying to bring higher ed classes to the reservation, you know, we have our issues there with that, too.

So, you know, there's a lot of need for those of us that are in the rural areas versus, you know, those that are closer to the urban areas and that. So, with that, I just want to thank you.

MODERATOR SHENDO: Thank you,  
Juanita.

Okay. Next speaker we have is  
Karen Suagee. Oh, yes. Sorry.

MS. OKOROAFOR: There is a comment  
from a tribal council member. It says  
McDonald's Corporation -- and I'm not sure who  
it is directed to. It may be Seth from the  
previous morning. But he has: McDonald's  
College offers college education scholarships  
through Ronald McDonald House to blacks,  
Asians, and Hispanics, but not American  
Indians. Is this a violation of their  
501(c)(3) IRS status? Will you please address  
this issue?

MR. MENDOZA: It's something that  
we would need to pass on to our OCR, and we will  
make sure that a response is sent accordingly.

Who was the tribal leader?

MS. OKOROAFOR: Robert Burton from  
-- I have the tribe's name.

MR. MENDOZA: Okay. Thank you.

MODERATOR SHENDO: Okay. Thank you, Amara. Karen?

MR. MENDOZA: Joyce has informed me that Karen needed to leave earlier, so we can move on to the next.

MODERATOR SHENDO: Okay. Doni-Jo Munro?

(No response.)

She was here earlier in the second row. She made a comment earlier. I'm not too sure --

MR. MENDOZA: She may be back.

MODERATOR SHENDO: Okay. Gail Harper?

(No response.)

Okay. Moving right along. Kathy Brown?

(No response.)

Maybe they went to a different session.

(Laughter.)

Okay. It looks like these are the four on this list. Do we have anything on the webcast? Sorry. Go ahead.

MS. OKOROAFOR: This comment is from Joyce McFarland. Regarding sustainability, plan requirements for future STEP applications, administration of Native American ANA grant applications requires contingency planning and sustainability section, and leveraged resources identified as an impact indicator. This could be possible for STEP grant, but also really needs sustainability avenues identified by the federal and state agencies, and not leaving this critical issue solely the responsibility of tribes.

MR. MENDOZA: I just want to ask Joyce as well if she has any specific suggestions on how other programs -- I know she identified the ANA grant resource, but how, you

know, the different programs around the Federal Government are doing this sustainability planning with their own funds.

We would really appreciate that, because that is exactly the kind of area that we are looking at, creating alignment not only for the STEP grant program but in general, especially for Native language programs, so that we have a continuum of program services for grantees to be able to kind of see mapped out in front of them, you know, the succession of their projects.

So please -- appreciate it, Joyce, if you send something like that to us, if you have any suggestions.

MODERATOR SHENDO: Okay. Any other comments from the webcast, Amara? Okay.

All right. We're moving right along. Quinton Roman Nose?

MR. ROMAN NOSE: Quinton Roman Nose with Tribal Education Department's National

Assembly. First of all, I hope in future meetings that there is a little bit more leeway of giving advance notice for these consultations. So just a few announcements. I wanted to thank NIEA, USET, for holding the consultation, and I think in the future it seems like this will work out if it's held with other events.

So a few comments on the data, a comment which relates to FERPA. It has always been an issue. TEDNA has been aware of the FERPA issue for several years. I think all it requires is a technical amendment to the law, which is -- needs to be supported by all organizations.

The FERPA law was amended I think last year or two years ago, which was for the purpose of providing student data on Native students who were foster children. It didn't include education. I think that has been an issue that STEP grantees and LEAs and SEAs have

been looking at and how to resolve that. It has been resolved at local level, but it still needs to be addressed, even if they are not in a STEP program.

I think the STEP program needs to be really flexible. All the results of the STEP effort so far are not in. I think, you know, just taking four grantees, five tribes, and working with LEAs and SEAs, you are not going to get the full picture because of, you know, what are the activities? You know, is it -- are they more like LEA activities, or are they more SEA-like activities?

And I think you are going to find that it is going to vary from each tribe to SEA to LEA to location to state to scenario, on and off reservation, and so forth. So I think you need to be a little bit more flexible. Plus, I think tribes, as they learn more about the title programs and what they can and can't do, that is going to add to, you know, what type of

activities they are going to do.

I would like to see, in future programs, that there be more effort for federal programs, title programs, to give more incentives, so that means awarding grants -- excuse me, awarding points in a competitive grant process if there is a partnership with an SEA, LEA, and tribe, or maybe giving additional value money to, you know, a program if they are working with a partnership of the SEAs and LEAs working with a local tribe. Some sort of incentive to be looked at, so that once the STEP program money goes away, those incentives would be built into the title programs.

Also, I wanted to say that the original intent of this program was that, you know, not only is the operations of how the title program was to be developed, in conjunction as a partner, but also I think there was also a very long discussion as to where the flow of money would go through.

I can tell you, in a lot of situations, you know, the grant is good. But once the money goes away, well, the program goes away. And so the flow of money from the title programs, from the Federal Government, through the SEA, down to LEA, there is some way to include the money to flow from the Federal Government to TEA, then down to the LEA, I think you will get a little bit more response from an LEA from local school districts and listening to, you know, what TEAs are trying to do and how they are trying to help.

So thank you for those -- the time to give these comments.

MODERATOR SHENDO: Thank you, Mr. Roman Nose.

Okay. Next up we have Jaliga Ruito?

(No response.)

She just signed up. They are disappearing through the woodwork.

(Laughter.)

Do we have anyone on the web chat,  
Amara?

So, again, if any of you sitting here would like to make a public comment, please sign up here. And we encourage you; this is your opportunity to provide comment, feedback, recommendations. You can't be that happy with everything going on, right?

(Laughter.)

Okay. Again, Jaliga Ruito?

(No response.)

MR. MENDOZA: Most of us here are teachers, so we are trained in wait time.

(Laughter.)

I think we can kind of give one last call for people joining by webcast.

(Pause.)

MODERATOR SHENDO: Okay. Anyone else? Yes, please join us.

MS. PLENTYHOLES: Juanita

PlentyHoles, Ute Mountain Tribe. One thing I found out when we were dealing with funding is that I think there needs to be a better distinction between BIA and BIE, because that was something we ran into when we were, you know, advocating for trying to increase our scholarship funds.

And, you know, when we talked to BIA, they said, AYou need to talk to BIE, because they're the ones that fund the program.@ So when we talked to BIE, they said, AWell, you've got to talk to BIA. All we do is give them the money, and it's up to them to disburse those funds.@

So, you know, they were just like throwing it on each other. And the other thing we wanted to know was, well, how do they fund the tribes? And so that was another issue that we were throwing around and trying to find out, you know, how that happens.

And, you know, what we were told is

that they use a formula, and so the next thing we are dealing with was trying to figure out what is that formula. And so finally, after a few years, then we found out that it was based on a -- what is that, something the military schools use to fund their teachers and their -- you know, and their schools?

And so we said, okay, that's fine, but we don't have a school on a reservation. So how do you fund those tribes that don't have schools on their reservation? What formula do you use there? So it's like with all of the funding stuff that we deal with, there is always -- they always talk about formula, but they don't really tell us what the formulas are.

And I don't know, maybe there is a way that the tribes can get together and develop their own formula. You know, we talk about our needs, and, you know, the same way with the funding at the schools, you know, for JOM and all of these other programs. You know, they

are always based on some kind of formula, and maybe we need to come up with, you know, a different type of formula or something that addresses the needs of the tribes, instead of some other entity.

What else?

I guess, you know, talking about funding again, how most of the funding goes to the school districts, and so, you know, especially with the public schools, you know it goes to the school district, but how can tribes have some access to those dollars? You know, we try to work through our state and, you know, talk about pass-through dollars and that.

But, you know, there is always that -- you know, that control issue, and, you know, not only with the funding but with the data and stuff, the data that they come up with. And, you know, if tribes could have some access to some of those dollars, maybe we could try to help on this side and meet the school districts

halfway, you know, in all areas -- funding, data, whatever. You know, we could work with them better, if the tribes had some control.

And to me, I thought that's what the purpose of being an LEA was was that you would have some type of control. And I don't if we ever applied to become an LEA, but, you know, those are some other points that I just thought of.

Thank you.

MS. WATSON: Can I answer just quickly?

MODERATOR SHENDO: Thank you.

Yes. Please feel free to jump in, Ms. Watson.

MS. WATSON: I don't know what state you're in, but I think you're talking about formula grants from the Federal Government for your public school. You should have a parent committee also in your school district that is not in charge of those funds, but you are definitely, you know, eligible and

completely legal for you guys to be advisors on how that money is to be spent.

The school district should not be just spending it without any input from the tribe. There should be a parent committee in place that dictates where those funds should be spent. So if you do not have a parent committee in place, I would encourage you to do that as soon as possible. And if you don't have a parent committee, they are in violation.

So you need to have a parent committee that meets regularly, that has some voice in your district's budget, because that money is designated for your students. It is not to be used to offset any other cost of the school. So it is not supposed to be paying for an extra math teacher or something like that. This money is supposed to be used to directly benefit your children.

So if you have a parent committee in place, maybe they are not as active as they

should be or maybe they're not as vocal as they should be. But you definitely have some say over how those funds are spent in your district.

MODERATOR SHENDO: Thank you very much.

Anyone on the webcast, Amara, have comments? Okay.

MR. MENDOZA: I just want to say, Ms. PlentyHoles, we'll loop back with you and your staff on which specific titles and programs, you know, you are interested in knowing what the tribe's involvement is and what -- the dynamics talked about with the local education agency and parent engagement mechanisms. It varies whether you're talking about impact aid in Title VII. And, you know, although they are kind of similar in some ways, Johnson-O'Malley as well, they do have their nuances. So we'll make sure that you receive information that kind of addresses some of the dynamics.

I think some of your comments related to what Quinton shared, you know, regarding the flow of money, you know, is certainly similar. So thank you for those points.

MODERATOR SHENDO: Okay. We have Mr. Ryan Wilson? Would you like to share some public comments at this time?

MR. WILSON: Thanks, Kevin, and everyone. John Cheek told me to hold it to under a minute, so I'm going to talk really fast.

But I indicated to Joyce that the President of the Oglala Sioux Tribe wanted me to share some comments here today, and I asked what the protocol was for surrogates. So I waited, you know, until you opened it up at the end, and I'll be brief and positive also.

We do have a -- I think we would like to share -- we have a concern that the administration has, kind of, fallen into a trap

of really advocating for a meritocracy, and we see this in the Race to the Top, we see this in the Promise Zones, we see it in the Promise Neighborhoods, everything becomes a competition.

In the STEP process, germane to that, we happen to reside, as Mr. Mendoza is very cognizant of, we reside in a state where on occasion we have good relations with our state people, and on more occasions than not we don't. In fact, it is very adversarial, so we have to create an opportunity or a venue for those communities that want to engage in this but don't have the partnerships with their states to be able to, you know, have that as well.

And why I bring this up is because we are on this 50th anniversary of the War on Poverty and those programs, and I want everyone to understand this. When they created the Office of Economic Opportunity, when they

created those things, they went out and found poverty. They went out and found communities of need, and they helped them write the proposals that could get accepted and funded, even if they had to do it for them, but it was with the community input.

What we're doing now is one tribe gets Promise Neighborhood out of 560-some tribes. One tribe gets Promise Zone out of 560-some tribes. I don't know who -- is anyone doing Race to the Top, or a part of that? I don't know.

So we can do better, and to go on the record and say this administration has to be more inclusive, they have to look at it as a needs based, and in those communities that might not have those historically strong partnerships or partnerships with the states that want to relinquish any authority, it is very important that they also are allowed to participate at the maximum feasible level, and

not at a symbolic way but at the maximum feasible level.

And that in itself will allow us to demonstrate our competence and to demonstrate that we are collaborators as well, and I think it will show the State of South Dakota and other states in the same boat that we're ready, if we have the resources and that we are allowed to develop capacity. We are going to be awesome partners. And I know that's the spirit of what you guys are trying to do, so I commend you.

Thank you, you know, for doing this. We appreciate it. But those are things that we are running out of time not, not in my speaking allotted time, but, I mean, we are running out of -- and we keep doing these demonstrations, these competitions, and we review things.

And I heard -- I know it's a different issue, but I heard the BIE, you know, folks say today they are going to write their response up. They are going to go roll it out,

and they are going to have consultation on it.

Well, we get to a point now where we've had all the hearings, everybody has basically heard from Indian country. You guys know what to do, and you understand that. How many more consultations on all of these things, and how much more time do we have in the life of this administration to actually, you know, make an impact on those?

So I wanted to just share that in a good way, and we are happy for what you guys are doing. We want to participate, too. And not only that, but in other activities, other titles, within the entire bill, not just Title VII.

And with that being said, I will save the language stuff for another day. But it is important, too, and I have already kind of shared some expressions with Mr. Mendoza, and I am happy to do that again. So thank you guys for doing this.

MR. MENDOZA: Mr. Wilson, I just want to encourage you to share the language things now. You might not have another opportunity, given the window between now and the next consultations. You know, so I just welcome you. I know -- I don't think we have any other sign-ups.

So we'll offer, again, anyone who is interested, please come up and sign up. And we're asking you to sign up just so we can make sure we document your name in writing, so that we can match that to your oral testimony. But we do have -- we do still have time. We're scheduled here until 4:30. Correct me if I'm wrong, Moderator. So please do -- if you feel like expanding, I actually need you to.

MR. WILSON: Thank you. I don't like calling you AMr. Mendoza. @ I just want to say Abrother. @ But what I'd like to share on that point is very simple. We are -- obviously, there is legislation before

Congress now. Of course we are excited about that, but we have statutes on the books right now that aren't being effectively implemented. We have statutes on the books right now that are being interpreted in the least favorable way towards culturally based education, and at the highest restrictive ways towards true culturally based education.

And we also have clear intent to Congress being circumvented and it is happening in your building with these Title VII programs doing Title I activities, or activities that are clearly Title I. We almost are in a situation where we are using the little tiny appropriations that are there for Title VII to do Title I, where they have the most money in this ESEA bill.

Somehow -- and I don't understand the advocacy end of it from within the bureaucracy, but somehow the step and the tribal ed agencies have to start participating

at a high level in the Title I activities, and they have to put an end -- I believe this administration -- to the use of Title VII monies for those Title I activities.

The anniversary of Dr. Bill Demerit's death was last week. It has been four years now. So in our way, we could say his name openly and publicly. We have all mourned and done that. When he wrote this bill, when they did that, you know, we didn't have such things as immersion schools back then. This is in 1972. We didn't know what that was, but we knew we wanted language, culture, we knew we wanted schools to reflect the heritage of the students that were going there, and for those Native kids that were going other places, we knew they had a moral right and a legal right to have elements of their heritage reflected as well.

In my opinion, and that of just about everybody -- and you guys have heard this

in your consultations already -- it is logical next steps that the Department of Ed would get into investing federal resources into immersion schools, not one hour a day teaching Native languages, not a Native language instructor showing up once a week or a half hour a day or something that is a symbolic gesture, but not anything that is impactful.

So those things are important, and we are very concerned that as you get closer in your ties to the Department of Interior, and the Indian Education Initiative, and the leadership of it, as that progresses that we have to understand we categorically reject that -- that that is the highest level of culturally based education that you guys are going to invest in.

And if this BIE rollout and what they have already explained -- is that going to be tied under -- can I ask you a question? Is that going to be tied under your office, too,

what -- language initiative that they are doing?

MR. MENDOZA: I think one of the things that the working group establishes is just mutual exchange of goals and information and efforts and looking at the alignment of those efforts. So although each agency will, you know, develop their own goals, the goal is to try to look at the alignment. What is the gaps? What are the similarities? Where are we duplicating efforts? Trying to, you know, maximize that effectiveness and efficiency within that.

So they are going to have their own responsibility for their efforts. Dr. Russell has talked about some of the things that they would like to do. I think the hour of instruction that you are referring to, you know, is one of the things that they talked about. You know, they also talked about looking at providing more resources for Native

language instruction, having a specific center for that effort.

And so, you know, these kinds of components will be something that the initiative itself says, how are we doing on that? What is the effectiveness of it? What else can we do in addition to that? And what is the justification and rationale for it? You know, how is that being derived? From what data sets?

MR. WILSON: Thank you. So back to the central purpose, as we see it, is there is a policy mandate in the Executive Order. The President of my tribe believes that. The Great Plains Tribal Chairman's Association believes that. We have gone on the record. There is a policy mandate within the Executive Order that says Native youth, students, will have a right, an opportunity to learn their Native language.

What we're saying is Alearn@ should mean the equivalent of Aacquire@ or Afluency.@

It shouldn't mean that you have a right to be exposed for a small percentage, you know, of the day. And what this all comes down to, are we ever going to reach the point where the medium of instruction at some of these schools is going to be allowed and invested in to be in the heritage language?

So that is the simple message that I wanted to share, and we are happy to continue to partner and work, you know, with the Department of Ed.

We congratulate you guys on, you know, these things that have overcome, but now, you know, we are 40-some years into this Indian Education Act and we still are having a lot of the same conversations.

And I'll go on the record and say this. The old timers that are in the room, we've run this movie before or this play. During the Clinton administration we had a major Native language initiative in the Bureau

of Indian Affairs. It was not called the BIE at that time. Assistant Secretary Grover was spearheading that. This isn't a new idea, and we did that.

And what people have to be cognizant of is some communities have a lot of resources when it comes to fluent speakers and educated speakers. Some communities, you know, like yours, Joyce, have one or two in the whole community that would even go in a classroom.

Now, what happens if the BIE hires those teachers and they are given positions to teach the one hour a day and do that? What happens to potential immersion efforts in those communities? You end up usurping that finite resource in those communities. Some Pueblo communities and some in the southwest, in Navajo, they may not have that problem, you know, but in others it is, it is a very serious thing.

And so instead of doing a shotgun

approach, I would recommend to you to really look at that -- these communities that want to do immersion, that are very serious and that have the capacity, and find a way to create opportunities for them.

And you guys -- why I brought up the War on Poverty, you guys have to chase where this can work good and work with those communities to make it work. Otherwise, we are going to be looking back at the time that we had, these eight years, and say, AWhat if this could have been this way? What if we would have done it another way?@

Well, we're glad we helped Choctaw. We're glad we helped Northern Cheyenne. But what did everybody else get? And I really would hate -- I would think that would be a tragedy in public policy. It would be a tragedy in Indian Affairs if it got to that point.

So, you know, I thank you guys for

your time. Thanks for, you know, doing this. And I'm happy to answer any questions that you may have, or concerns as well. And thank you again.

MODERATOR SHENDO: Thank you, Mr. Wilson.

Okay. We have nine minutes left if there is anyone wanting to make a public comment?

MR. BEGAY: (Speaks in Native language briefly.) Thank you for allowing me to speak here on the Native language. I come from the Navajo Nation, Jimmie C. Begay, Board of Education for Navajo Nation.

We, too, also really support the use of the Native language in the classroom for student achievement. We have been doing it for some years now, but, again, one is that we are taking some of these monies -- they call it Indian School Equalization Program, ISEP monies, and take some of that to use for

language instruction, materials, resources.

So what we are doing is taking away some of these resources from the core programs, like the math, the English, and all that, sciences, like that should have been used for textbooks or instruction. But take some of that money and use it for Native instruction in the classrooms. To me, that is not right because like Ryan says, all of these statutes and laws in the past -- but, again, not enough funds are there to really support it. I feel the same way. We feel the same way about that.

So to me, I know you don't represent BIE, but, again, collaboratively probably that for the BIE part they support it in a way through the use of language and culture in the classrooms. But, again, the funds are not there as a line item to say that for each school there shall be so many thousand dollars for instruction. Nothing is there to really support it.

And, again, I read some materials that Ryan gave me. I read it this afternoon, and part of that is that the bill of 1948 -- 1948 -- it talks about funding also, I think \$5 million. But, again, those tribes probably will write proposals. Okay?

I used to be a reader for the Department of Education sometime -- some years back, and we received one proposal that was just one paragraph. APlease fund our program. We don't have a lot of funds. @ Period. That was the proposal. Versus other proposals that came in that were written by probably professional grant writers. So they got a high score.

Probably this tribe that wrote that one-paragraph proposal needed more money than the other tribes. So, in a sense, I feel the same way here. The \$5 million does go a long way. Okay? It won't reach all the tribes.

So, again, to me it is something

that is just put on the table and say, AWell, go for it.@ To me, it's not enough funding. There needs to be like a line item again from the Federal Government to say that this is how much each school would get, maybe based on per capita, that type of thing.

So, yes, with all of these years, with all of the laws and statutes and policies of the Federal Government or the BIE, funds aren't there to really go far with this instruction in Native language and culture. Yes, I believe in using the language to further instruction.

I used to be Executive Director of a school, Rock Point Community School. It wasn't accredited. We didn't have certified teachers, K-12. And we used the main instruction in language in these areas, K-12.

And we're sending 80 percent of the students on to college. They came back as teachers, administrators. So now everybody is

required to be accredited, state accredited or certified teachers. That was taken away in probably 2004, 2004, around there, when the school became accredited.

So the uses of the language is very, very important. If it is done right, it really promotes the student achievement in all areas. In fact, we used to have a newspaper come out of the high school, about 12 pages, half of that -- six pages -- purely in language. The other part is in English.

So I wanted to say that those things here -- it can work, yes. But, again, the funding is not there to really work on this.

Thank you.

MODERATOR SHENDO: Thank you very much, sir.

Time check? We have four minutes left. Are there any -- first, let me check the webcast. Do we have any comments? Okay.

Any other comments from the

audience here today? Going once? Going twice?

(No response.)

Okay. Before I turn it over to Joyce and Bill for any closing thoughts and comments, I just wanted to make a few points on behalf of the Pueblo of Jemez as well.

I think one thing that we have seen in terms of the work that we have done in our tribal community, as we have in Tribal Headstart, two charter schools, a BIE school, and partnerships with the local public school district, is that oftentimes a lot of the funding streams that come into our community are often fragmented or limited to the scope they can serve.

And I think that if there is consideration given, say in a community as ours were he have a single population that we are working with, that there be some flexibility to share teachers across school systems, to share

resources, to enforce collaborations, because in the small community that we live in we are very rich in school choice, but with that also comes the transition of students, or sometimes the fluidity of students. You know, spending a semester at one school and then -- or all year, and then the next year at another school in another school system.

And so the -- but maybe we can work together to coordinate services and resources from teachers to administrators, et cetera, to curriculum and training and professional development, I think the better end result there is for the students.

And we did a site visit to the island of Hawaii and we saw a model that was very similar to that that really inspired us called Nawahi. They had a P@nana Leo, which is language immersion, that fed into a charter school, that fed into a public high school, which is considered a school within a school.

The funding streams are different. There were public-private partnerships going on. But in terms of the curriculum and the transitions, it was seamless, and the sharing of teachers and resources. So I think that if we can introduce those types of models or that way of thinking here, we could benefit our students quite a bit.

On that same trip, we visited the University of Hawaii HILO Teacher Training Program. I think that is a very model program to look at when we are looking at how we can improve the Professional Development Program that we have here. There is actual pipelines, and systems have been created, partner schools where everything is aligned to support the teacher into the type of school system that they are wanting to go into and teach, and the mentorship is also there.

And then the third thing that we saw on that trip that really inspired us was we went

to a charter school, an immersion school, a public school, the thinking of experiential learning and building that hands-on experience or learning into all aspects of the curriculum.

And one thing that they shared time and time again was we need to build on the strengths of the child and the learning will come. Find that passion of that child, the strength that they bring, because it is different for different individuals. Build on that, and the learning and the academic gains will naturally come. And I think that's something we have lost sight of here is that we are so standardized in everything that we do that often forget that students have different learning styles, that they bring different strengths to the table.

And with that, in our community one of the things that we challenged our teachers is to focus on the prior knowledge that our young people bring into our schools, not only

from our community, we have the Pueblo Zia south of us, and we have traditional Hispanic communities that our schools serve.

So what is that prior knowledge that they are bringing to the classroom? Build on that and build the academic learning around that. Then, the passion of learning and the love of learning naturally comes for our students, and then you'll see the academic gains and successes.

And the last thing I think that I wanted to share this afternoon is that, as we develop these laws and policies that guide education at the national level, that we begin to look at creating policies and laws on language that support tribal self-governance and self-determination within education. I think that other areas have done it, but I think that education -- we haven't really looked at how we could do that, and partly I think it's because we have the Department of Education,

Department of Interior, Health and Human Services, all looking at different aspects -- Higher Ed -- of the learning process for our children.

So how can we bring those together to create mechanisms through the reauthorization of ESEA and other policies and federal laws that are put in place to promote and support tribal ownership and local control of education.

So with that, I'd like to turn the floor back over to Joyce and Bill for any closing comments that they may have before we close this afternoon's tribal consultation.

MS. SILVERTHORNE: I was trying to get Kevin's attention a few moments ago. What was I going to ask him was to make his own personal comments. When we asked him to moderate the session today, one of his concerns was, If I do that, do I get to comment? And we said, We would like you to comment, but we

would need you to be impartial during the time you are moderating. @

So I thank Kevin for speaking up today and adding his comments. They are valuable, they are to the point, and I appreciate that you went ahead with that.

Thank you.

The importance of how we are pulling this information together and where it will go into the future is a critical function for our offices and our direction. We are really trying to take your voice as far as we can take it. There certainly are many avenues of progress. There are certainly many levels of clearance and process that we try to address as we do this.

We thank you for your participation today. We will continue to try and have additional participation. Please share information you have received today with other people who were not able to join us, and let's

continue this conversation.

Thank you.

MR. MENDOZA: I just want to echo Joyce's sentiments and thank her and her team for getting us to this juncture. A lot of planning, a lot of hard, you know, gets us to be able to fulfill our responsibilities and to represent a very committed and dedicated team. You know, we know have a lot of work to do, but we get the privilege of being before you and representing a very devoted team within the Education Department.

So I also want to thank our partners here, Kandice Watson and her representation for being with us today, and USET's full support and backing. Without you all, you know, it makes it really difficult to engage with a very diverse group of tribes and trying to grapple with these issues. And we know that this is in development, and we want to continue to be partners into the future.

And especially having President Agoyo behind me here, and our National Indian Education Association, who have always been strong and very supportive advocates. We have had various board members be with us here today. We have some in the room with us now. I want to acknowledge them.

And then, also, I just want to point out our National Advisory Council on Indian Education as well, that they are going to be convening here soon. We are trying to work with them on identifying dates that they want to meet. They set the dates for when they want to meet. It is also contingent upon funding levels. And we are all, you know, chewing on our nails wondering what those numbers are going to be. We look forward to being able to roll those out.

As Joyce mentioned, there is going to be additional consultations. We are as happy as you all are to see some horizon on the

budget conversations, even though we know we're still dealing with levels of uncertainty. At least we will be able to plan more in advance, so that we can be able to address the advance notice issues and trying to select representative locations where we can maximize the participation for our consultations.

I engaged directly with President Agoyo yesterday at the Department with the team of NIEA that was able to meet there with us on our consultation policy, which continues to be our top priority. We are working very closely with our General Counsel team and our Policy Department to make sure that we get that out as soon as possible.

There is a lot at stake within that policy, and we want to make sure that it has the most up-to-date approaches and practices that are represented throughout the various federal agencies. So we are really excited for that. So look for that to come.

We are going to continue to have these kinds of conversations, whether they're in the form of briefings, and then, as appropriate, for tribal consultation.

So thank you very much, everybody, for being here and for allowing us to be a part of your partnership.

MODERATOR SHENDO: Thank you very much, Bill and Joyce. And before we close up, we have some housekeeping that Ms. Pam Agoyo, President of NIEA, would like to share before we close for today.

MS. AGOYO: Thank you, Lieutenant Shendo. Again, I want to also echo the comments that have already been made, and thank you all for your participation in this afternoon's session. And for those of you that have been here all day, thank you very much for enduring and continuing to be so diligent in your attention and efforts.

Tomorrow I wanted to let you know

there is a slight alteration our schedule, and I know that in our book it says that we will be meeting tomorrow in Salon 4. We are actually meeting in Salon 2, which is in the same general area. And we will have signage that clearly marks that, so that you won't get lost. I wanted to make that clear to you.

We will be here in the morning, and then in the afternoon we will be convening at the U.S. Capitol Visitors Center. All of our congressional delegates will be coming in and we will be doing a number of -- have a number of addresses. And so we look forward to seeing you there. We will close out our later session at that location as well, too.

So I wish you all a restful evening. Hope you get a good dinner, and we will see you bright and early tomorrow morning as we continue with our legislative summit.

Thank you.

MODERATOR SHENDO: Thank you, Ms.

Agoyo.

And, with that, just a final thanks to the Department of Education and the White House Initiative on American Indian and Alaska Native Education for putting on the tribal consultation today, and for the assistance provided by Amara and the Manhattan Strategy Group, as well as Victor with Kaufmann and Associates.

So Amara and Victor, the gentleman you saw here, you can follow up with them with any of the documents, paper, information that you may need after the fact. And, again, feel free to email information through the website.

Thank you for sharing and being with us all day, and we look forward to seeing all of you tomorrow.

(Whereupon, at 4:39 p.m., the proceedings in the foregoing matter were adjourned, to reconvene the following morning.)

