



Office of Elementary and Secondary Education (OESE)

Office of Indian Education (OIE)

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (NACIE)

PUBLIC MEETING

February 6, 2013

The National Advisory Council on Indian Education(NACIE) met in the Discovery Room II, Holiday Inn Washington Capitol, 550 C Street, S.W., Washington, D.C., at 9:30 a.m., Thomas Acevedo, Chair, presiding.

NACIE MEMBERS PRESENT

THOMAS ACEVEDO, Chair

THERESA AREVGAQ JOHN, Member

DEREK BAILEY, Member*

ROBIN BUTTERFIELD, Member

DEBORAH JACKSON DENNISON, Vice Chair

SAM MCCRACKEN, Member

WAYNE NEWELL, Member*

STACY PHELPS, Member

S. ALAN RAY, Member

VIRGINIA THOMAS, Member

PATRICIA WHITEFOOT, Member

*Participating via teleconference

FEDERAL PARTICIPANTS

KAREN AKINS, OC Committee Manager

JAMES BARTHMAIER, Office of Indian Education

JILL EICHNER, Office of General Counsel

BERNARD GARCIA, Office of Indian Education

JENELLE LEONARD, Designated Federal Officer (DFO)

BILL MENDOZA, Executive Director, White House Initiative on American Indian
and Alaska Native Education

LANA SHAUGHNESSY, Office of Indian Education

JOYCE SILVERTHORNE, Director, Office of Indian Education

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

(9:39 a.m.)

CHAIR ACEVEDO: Well, good morning, everyone. I'm going to go ahead and call the official meeting of the National Advisory Council on Indian Education for this day. I'll call the roll.

Greg Anderson, I understand Greg will be here tomorrow. He is not here today.

Theresa John.

MEMBER AREVGAQ JOHN: Here.

CHAIR ACEVEDO: Derek Bailey.

(No response.)

CHAIR ACEVEDO: Robin Butterfield.

MEMBER BUTTERFIELD: Here.

CHAIR ACEVEDO: Deborah Jackson-Dennison.

VICE CHAIR JACKSON-DENNISON: Here.

CHAIR ACEVEDO: Sam McCracken.

MEMBER McCracken: Here.

CHAIR ACEVEDO: Stacy Phelps.

MEMBER PHELPS: Here.

CHAIR ACEVEDO: Alan Ray.

MEMBER RAY: Here.

CHAIR ACEVEDO: Alice Spotted Bear, I believe she's going to be absent.

Virginia Thomas.

MEMBER THOMAS: Here.

CHAIR ACEVEDO: Maryjane Oatman-Wak Wak, not available. I think Maryjane, I saw here at the Tribal Nations meeting and she is - her baby, I think, is due in March. So, travel is probably not warranted for her.

Patricia Whitefoot.

MEMBER WHITEFOOT: Here.

CHAIR ACEVEDO: Thank you all. We have a quorum. With that, we're officially meeting today.

The first item that we have before us is establishing our working agenda for our meeting, our subcommittee reports and our proposed plan to work for this 2013 session and our 2013 recommendations that we'll present to the Secretary of Education, Arne Duncan. So, with that, we're open for business. The Chair will entertain discussion.

MEMBER NEWELL: Hello, NACIE.

CHAIR ACEVEDO: Is that Derek?

MEMBER NEWELL: I'm going to press star 1 and see what happens. Okay. Hold on.

CHAIR ACEVEDO: He can't hear us.

MEMBER NEWELL: Hello.

CHAIR ACEVEDO: Is this Wayne?

MEMBER NEWELL: Yeah. Somehow we're having trouble connecting with you. I've been disconnected three times.

CHAIR ACEVEDO: All right. Okay.

MEMBER NEWELL: Yeah, there's another guy on, too. If you can hear me, press star 1.
That did it for me.

CHAIR ACEVEDO: All right.

MEMBER BAILEY: Good morning. This is Derek.

MEMBER NEWELL: Derek, I can hear you.

CHAIR ACEVEDO: Is that Derek?

MEMBER NEWELL: Yeah, but he --

MEMBER BAILEY: Yes.

MEMBER NEWELL: You guys can't hear him, right?

CHAIR ACEVEDO: Yes, we can.

MEMBER NEWELL: Okay, good.

CHAIR ACEVEDO: All right.

MEMBER NEWELL: Okay. We're back on the air, I guess.

CHAIR ACEVEDO: All right. Thank you.

MEMBER NEWELL: Some lady keeps disconnecting us.

(Laughter.)

CHAIR ACEVEDO: All right. Thank you very much.

MEMBER NEWELL: Sorry for the interruption.

CHAIR ACEVEDO: All right. No, that's good. We know you're there.

I'd just like to make a brief mention. Virginia, you handed this over? Who did?

We had - I just wanted to mention something for the record that a former member of NACIE passed away. His name was Lennie Lee Pickard.

Mr. Pickard was a member of the Chiricahua-Warm Springs Fort Sill Apache Tribe of Oklahoma. He was currently employed as an education specialist for the U.S. Department of Education here in D.C. He was also a presidential appointee to this very Council.

So, with that, I'd just like to remember him for the record.

(Pause.)

CHAIR ACEVEDO: Other items. I have one other piece of business I'd like to acknowledge. Someone else, our very own Joyce, is in the University of Montana Magazine for this quarter.

It's on Page 22, this article. I'll pass it around. It's a very nicely done piece on behalf of Joyce and it really reflects on her commitment to Native American education throughout her entire career.

And the only part I'm disappointed in is that she didn't mention that she and I were at the University of Montana together at the same time.

(Laughter.)

CHAIR ACEVEDO: Joyce, do you have a comment?

MS. SILVERTHORNE: Only one correction to the article that I think Gonzaga would be very surprised to find out that I graduated with a doctorate. I completed coursework, but I did not write that little book that they would like me to do and we have passed time.

So, I'm probably not going to complete that, but the University of Montana thought I had. So, a slight correction to that.

I wouldn't want you to think I was trying to portray myself as something other, but thank you.

CHAIR ACEVEDO: Subcommittee reports -- or, Robin, go ahead. Sorry.

MEMBER BUTTERFIELD: No, I had asked Joyce if we could get a copy of everybody's contact information.

I just started a job last Friday. So, all of my contact information will change. I am now the new director - let's see. I'm trying to remember my title. I think it's Program Supervisor for the Office of Native Education for the State of Washington.

So, I'm the new person in that --

CHAIR ACEVEDO: Congratulations.

MEMBER BUTTERFIELD: But when I left NEA, I retired in June and moved back to the west coast. All of my contacts were erased at the Department at NEA. And then my personal cell battery went dead and they couldn't transport.

So, I have no contacts for people. And in my new role, I'm definitely going to need them.

And I don't know if I'm the only one, but I was just wondering if I can't get them officially, can I pass around a sign-in sheet for everybody and get them that way?

MS. LEONARD: You can pass around a sign-in sheet. And as I said to you, I can't give them to you. Because when we go through privacy training, one of the things that we cannot share that's considered private is your email address and your addresses.

So, I cannot provide that information to you, but you can get it otherwise.

MEMBER BUTTERFIELD: Okay.

MS. LEONARD: Okay.

MEMBER BUTTERFIELD: I'll send around a sign-in sheet then.

MS. LEONARD: Mr. Chair, may I?

And you will notice when I send out emails, I blind copy you on them. So, I'm not sending out emails, because I don't want you to reply to all. I want you to reply directly to me. Because otherwise, it constitutes a meeting and I can't - so, I'm just adhering to the Federal regulations.

CHAIR ACEVEDO: Well, I think the first item of business having heard from Bill this morning is establishing a subcommittee. And the Chair would entertain discussion on members of that subcommittee.

I would sort of mention based on what we heard this morning on budgets that if you are interested in serving on this subcommittee, I imagine it's going to come at our own expense to attend these meetings, or am I wrong in surmising that?

MS. LEONARD: Repeat that again?

CHAIR ACEVEDO: Well, whether or not the Office of Education will be able to pick up costs associated with any travel that may come about in working with this interagency group, or is that outside of the scope?

MS. LEONARD: It's outside.

CHAIR ACEVEDO: Discussion on subcommittee?

MEMBER McCracken: I would love to hear some clarification on roles and responsibilities of the subcommittee to know whether, you know, how we would nominate.

But most importantly from my perspective, is knowing what the roles and responsibilities of a subcommittee member would be.

CHAIR ACEVEDO: Sam, I'm not sure we fully know that yet until, I mean, we all heard from Bill this morning about what they're attempting to do with the interagency group. And the number of meetings or phone calls or whatever that is, we don't know the whole scope of that yet. So, I think that that's open for discussion.

With respect to the subcommittee, though, I would advise that strictly for tomorrow's meeting we could appoint an interim one for tomorrow. And then once we've learned the full scope of those responsibilities that the interagency group may be carrying out in terms of dates, we could appoint a permanent one at our meeting on Friday if that seems to make some sense to all of you.

MEMBER NEWELL: I just want to make sure I heard this right. You said there would be no reimbursement to the subcommittee workers because of budget constraints?

Am I hearing that right?

CHAIR ACEVEDO: Joyce.

MEMBER NEWELL: Okay.

MS. SILVERTHORNE: At this time, we don't know what requirements may take place. I believe this request for this subcommittee is just for tomorrow's meeting.

And then you'll bring back to the full NACIE any kind of other decisions that may need to be made, and hopefully they'll tell you more about what's proposed or not proposed at tomorrow's meeting.

CHAIR ACEVEDO: Does that answer the question?

MEMBER NEWELL: Yes.

CHAIR ACEVEDO: Thank you.

MEMBER THOMAS: This is Virginia. Maybe we should find out who's interested in being part of this subcommittee and what our recommendations are from our leadership to what you would say fit.

CHAIR ACEVEDO: Well, if I would, you know, with your indulgence, I could definitely present on our behalf at tomorrow's meeting if that's your wishes.

With respect to the subcommittee, what you heard from Bill was those who are not on the subcommittee I think had more latitude for tomorrow's Q&A session.

I don't know how strict he's going to be adhering to his agenda, but it is quite a limited discussion period here of about 25 minutes.

And given the sheer number of people he was talking about that are there tomorrow from the other agencies, I would assume it's going to be very limited in discussion.

I don't know if Bill is going to run over whether that four o'clock date is -- or time is real firm or whether he has latitude in that.

So, just to let you know it's not our meeting. We're only being asked to attend and present.

MEMBER BUTTERFIELD: I would just recommend that our Chair and Co-chair be our spokes -- it sounds like we're just asking for who's our spokesperson for Thursday and that we would have a discussion as a group prior to this meeting of what we want presented.

So, I mean, we've designated you as our Chair and Co-chair. I'm perfectly comfortable with that myself.

Do we need a formal motion for that? Unless there's other people who want to be included.

CHAIR ACEVEDO: It's my understanding you need a formal motion to be able to put that in the record.

MEMBER BUTTERFIELD: Well, is there anybody else who really wants to speak at the meeting?

MEMBER WHITEFOOT: I would support Robin's recommendation. And as we move down the road and we get further clarification of the tasks that will be undertaken, I just want to just say having been on the other side with tribal leadership, historically working with our tribal leaders, this is something that we have advocated for a long time as tribes were working on multiple levels with the federal government and state government.

And in addition in some of our consultation hearings that we've had with the federal government, I just want to say that we've advocated historically for federal agencies to communicate and collaborate with one another.

Because when we have consultation hearings, typically what has happened is we've only had one agency that's been at the table. And yet, we know across the board that all of these resources and agencies impact the lives of our children and families on a daily basis.

And so, I'm looking forward to being engaged with this simply because it's one that I've advocated for and want to continue to be engaged with this process.

So, I support and second Robin's motion.

MEMBER BUTTERFIELD: And for clarification, my motion is that we designate our Chair and Co-chair as our spokespersons for tomorrow's meeting only. And then after we've had the meeting, we can sort of reassess what the subcommittee's role will be and who else might participate.

CHAIR ACEVEDO: It's been moved and seconded.

Further discussion?

MEMBER NEWELL: Could you repeat the motion? I couldn't hear the motion.

MEMBER BUTTERFIELD: I move that we designate our current NACIE Chair and Co-chair as our official subcommittee to be our spokespersons at tomorrow's meeting for the interagency task force.

MEMBER NEWELL: Thank you.

CHAIR ACEVEDO: Further discussion?

(No response.)

CHAIR ACEVEDO: Hearing none, call for the question. All those in favor of the motion, signify by saying "Aye."

GROUP RESPONSE: Aye.

CHAIR ACEVEDO: Those opposed, same sign.

(No response.)

CHAIR ACEVEDO: There being none, motion carried. Thank you.

Are there any subcommittee reports that we would like to hear from any of you today?

MEMBER THOMAS: This is Virginia.

The subcommittee -- we had developed a Bylaw Subcommittee a long time ago. We made a presentation, but nothing has ever come from it, you know, for the draft bylaws that we put together.

I don't even remember who worked on it with me, but there was the bylaws, but it's never come around again.

So, we still are working without direct bylaws.

CHAIR ACEVEDO: Jenelle, do we have a draft of that, or Karen?

MS. AKINS: Yes, we have a draft of it. And, Virginia, what I'll do is Karen Mayoyes, our attorney that works on the Division of Business and Law side, looked at your draft.

To be honest, I don't know where we are on it. And so, she got tied up. She was supposed to be here today. But I'll make sure before you all leave today, I'll figure out what's happening with it and get back to you.

MEMBER THOMAS: Thank you.

MS. AKINS: You're welcome.

CHAIR ACEVEDO: Robin.

MEMBER BUTTERFIELD: Well, my questions aren't on our reports that we've done, but it's on what's the response to the reports.

Do we have any updates?

CHAIR ACEVEDO: Jenelle or Joyce.

MS. LEONARD: Okay. So, let me respond, because this question came up last year as well. And I really meant to go back to the transcripts from the last meeting where, Michael, you addressed the same question last year about responses from Congress.

And I think bottom line he said reports that we submit to Congress, be it NACIE or the Department, Congress never responds. I think that's the message he gave last year.

It hasn't changed. And what we talked about in the last meeting is that if the Council wants responses from recommendations that you are making, then you -- if you make recommendations to the Secretary, the Secretary can respond to those recommendations.

The Secretary cannot respond to a report that goes to Congress. That exceeds his authority.

When we send your report, as a courtesy we send a copy of the report to the Secretary, but the report is transmitted through the Department to Congress. And Congress does not come back to us and say, this is our review and feedback for your report.

And I think when you go back to the transcript, Michael did say that those reports are used by Congress when they are getting ready to consider legislation, when they are getting ready to consider funding. They keep those reports. And at that point, they use them as a point of reference.

There are times when the staffers call hearings and you come -- you're invited to come over. And at that point, you can discuss information that was provided in those reports to Congress.

But other than that, we don't -- there's no real vehicle for us to get a response from Congress. So, that is as much as I know of the report, but I would invite you to go back and look at the transcript from last year to see what the response was.

MEMBER THOMAS: Jenelle, this is Virginia.

I think this is the first I've heard of it, us being invited, you know, to different hearings or to ask our reporting - something you just said about, you know, if we were invited to come and do a report to this.

MS. LEONARD: Patsy, didn't you tell me you were invited at one point to a hearing at the -- that you were invited as a -- I don't know. There was a subcommittee hearing or something that you may have been invited to or that you reported out.

There have been instances where there have been hearings on the Hill. We don't have anything to do with those hearings, I mean, and the invitation that Congress extends. It's only if we're invited, but my understanding was that some people have spoken to Congress before, I mean, to members of Congress before.

MEMBER WHITEFOOT: Yes, I have been before Congress before, but that was in my capacity as president of the National Indian Education Association and not as --

MS. LEONARD: A NACIE member.

MEMBER WHITEFOOT: -- NACIE member.

MS. LEONARD: Right.

MEMBER THOMAS: That's what I want to clarify, because I think a lot of us have been before Congress for testimony for what we deal with on a personal level, but I've never heard of us being invited as a NACIE board, but if we could be --

MEMBER WHITEFOOT: Not as a NACIE board, yeah.

MS. LEONARD: You could be. I mean, it's not out of the realm of possibilities. You could be.

MEMBER THOMAS: In that case if we were invited, would this fall in the realm that whoever we send as our leadership to do this, it could be dealt with through travel and everything to make sure they got there?

MS. LEONARD: Oh, now, I'm not sure.

MEMBER THOMAS: I knew you were going to say "Oh, now."

(Laughter.)

MS. LEONARD: I'm not sure about the travel, but as a NACIE member you could speak.

VICE CHAIR JACKSON-DENNISON: I was just going to say that on the committee -- the subcommittee that did the report to Congress, as well as the letter to Secretary Duncan, we did the report to Congress, but we're still in draft version of the Secretary -- the letter to Secretary.

We didn't know what was going to happen with the election and we kind of let things go until then.

And so, that's still an opportunity to get some answers, because they're very similar. There are just some things that could be handled administratively that are different in the letter to the Secretary than the report to Congress.

And so, I think that's where we have some leverage still. And that's pretty much just a report from the subcommittee for both groups.

MEMBER RAY: Alan Ray here.

I think I would generalize from previous points to ask how can we know if we're having an effect?

I think our tactic of asking for replies which we've embedded into our recommendations, replies from Congress and/or the Secretary, are really around this question of how do we know that our voices are being heard.

If there is a way in which we could routinize that consistent with the recommendations we've been making, I would strongly urge that that happen.

Certainly there's much work to be done. I think everyone here is putting their best efforts forward, but I would like to know where is our voice being heard? And if there's a way to do that, I'd appreciate it.

A related point. It's interesting to see that we are potentially now speaking to three different audiences by charter of Congress, but also now the Secretary, and now perhaps the interagency group.

This is a multitude of voices coming from this group, and I just want to draw attention to that fact as we move to drafting stages and conceiving of documents that we tailor those messages appropriately.

But also to come back to the main point I wish to make, once we put the effort into doing this to these three audiences, I certainly would like to see some response from those groups.

MEMBER BUTTERFIELD: Well, and kind of getting back to my original question, first of all I wasn't aware that the letter to the Secretary had not been submitted. And I'm not sure if I just didn't get an email saying that it had been tabled or what, you know.

How does that information even get communicated from the subcommittee to the total group? So, that's one question.

But secondly, given that we do have a standing President's Executive Order which charges the whole department on behalf of the President of the United States to ramp up the activity around Indian education, even with the notion that the report goes to Congress, is there nobody at the Department higher up that could respond?

I mean, I find it unacceptable to say that, well, it just goes, I mean, surely somebody reads it, right?

MS. LEONARD: Yes.

MEMBER BUTTERFIELD: Well, how do we know that?

MS. LEONARD: Well --

MEMBER BUTTERFIELD: So, it's back to Alan's question, you know. How can we get some response from somebody that departments are listening to that?

MS. LEONARD: Well, let me answer it in this manner, and I'm going to go back to when the Secretary was here. And the Secretary said, push me, force me, you know, he gave you those marching orders.

And when you put a report on his desk, you hold him accountable. He asked you, hold me accountable.

So, the NACIE group, the NACIE Council, we need a report. And then when you have your meeting, we invite the Secretary or his designee to come and respond. Okay? That's what has to happen. That's the first thing that has to happen.

The second thing when you ask about to what extent are there some impact or improvements based on your statement -- based on your recommendations, let me just say that, Joyce, Bill and our assistant secretaries can tell you, can give you some updates on not specifically your recommendations, but the activity and the impact that those recommendations are having in the Department, okay?

So, they are the messengers of what is happening in the Department toward Indian education as it may directly or indirectly relate to your recommendations, okay?

And I can tell you that even in preparation for this meeting, we asked the assistant secretary to -- our new assistant secretary to come and address you.

And part of what she would do in conjunction with Joyce and Bill, would be to talk about the activities that are happening in Indian Ed.

I'm not sure that she's going to be able to come. I know Liz Grant, her chief of staff, is scheduled to come at 1:00 today. And she, to some extent, will give you updates, but Joyce and Bill will also address those in their presentations.

VICE CHAIR JACKSON-DENNISON: I think it would be best to make that one of our priorities today is to finalize, try to finish up the letter to the Secretary and get that out through the duration of our meeting this time around. And get that so that we can have that opportunity to use that

leverage and have those. Because as it has been mentioned, and it was mentioned the last time, but that's really our main opportunity to get answers and as was mentioned.

And thank you, Dr. Ray, for drafting up the final version of the report to Congress. But within that whole thing it does say that we're trying to make it stronger so that we do get replies back from Congress.

And I think we did mention that whenever we do Hill visits for whatever purposes we're doing Hill visits for, that we ask them as we are visiting with them, where is your report? We sent you a report. We're wondering what's happening with the report that you -- see if they have it.

I mean, that's -- the least we can do, I guess, is what -- we all belong to some point or another to the Hill visits up there. And I think that would be a very appropriate way to start, because I don't think that's been asked of them.

I don't know. I never have each time I've been up there, but I intend to from here on out.

MEMBER RAY: I am pleased to hear that there is a potential feedback loop here that you've described from the Secretary.

Might I suggest that when that designee come and speak to us in the future, assuming that they have in hand the recommendations that we will have prepared, that they do speak with some specificity to the letter that we send.

I know we've also in the letter to Congress, been mindful that past reports have been somewhat long and many pointed. And we have with the Chair's guidance here, prepared executive summary which I think would not be too onerous for them to assimilate and respond to. Thank you.

MEMBER THOMAS: This is Virginia. I just have a question to Jenelle or Joyce, Karen.

When we send this report over to Congress, does it go to just the individuals within the Congress, or does it go to the committees itself?

MS. AKINS: Okay. The statute is not specific, Virginia. But what we've done, the NACIE Council, we've always made sure that the report goes to the Education Oversight Committees, both the majority and minority leaders.

I think we also, again, as Jenelle said, send a copy to the Secretary. And it seems as though there are a couple of other people, but I can get you the list of who exactly the report went to.

MEMBER THOMAS: Because on that fact then, then, we could, as a committee, could ask maybe some staffers coming from them and asking what they saw in this report and how we can follow through on this report.

If we have just a staffer from those committees or from even just not the Education Committee, but for the one on Indian Affairs Committee, you know, whoever that you send them to, if we could have some response, invite the staffers or some of their representatives to come and let us discuss what this report is and how we see the follow through.

MS. LEONARD: I think that's an excellent idea. And let me just go back to who the report goes to.

When the report comes from the Chairperson, we send the form letter to Thomas. And he prepares a letter to each one of the members of Congress.

And so, when he sends that signed letter back to us, then we attach it to the report to Congress. And we send it to each one of the members -- no, no. No, no. To the members that he signed the letter for.

Right. And so, I transmit it to Karen. Karen's office through the White House liaison, transmits it to Congress.

So, but each of the -- and I can't remember the list of names, but, Thomas, you might, because he does the letter. But anyway, so the members get a copy of the report.

Then the assistant secretaries get a copy of the report. Our Office of Legislative Affairs gets a copy of the report. It's posted to the web. Let's see what else. It's somewhere else in the -- I know Bill's office gets a copy of the report. General counsel gets a copy of the report. So, it's widely distributed, okay?

Going back to members of Congress coming to present, let me just say that yesterday I got an email from our Legislative Affairs Office. And they sent over to Congress the announcement that the NACIE Board was having a meeting today, I mean, for this three-day period and invited staffers to come.

And they also asked, were there any concerns? And I said, yes, the concern is they have not received any feedback from the report that they submitted to Congress.

So, some staffers may be here over the next three days. I am not sure. The Office of Legislative Affairs may be coming and attending this meeting as well.

So, it's not like we're not trying to facilitate getting some feedback from Congress. I mean, it's so many people involved with this report. It's just that the lines of authorities are that we can't speak for Congress. Their staffers can.

So, and to follow up on that as well, when we are planning these public meetings and I send you the announcement to say please suggest topics, invitees, this would help me greatly.

When we're getting ready to put the agenda together, we generally meet with the Chair and the Co-Chair and we say, what are the agenda items? Because I don't put the agenda together. This is your meeting, your agenda.

And if you want members from staffers to come, tell me that's what you want and I'll work on your behalf through our Legislative Affairs Office to make that happen.

So, I just need to know what you want so that we don't come here and then we, you know, we can't -- you need something and I can't make it happen.

MEMBER THOMAS: I think getting the list of the committees that they actually target with this would be more to our benefit that we could, you know, in the future invite them to come and make a presentation.

I'm not talking about the whole, you know, members of Congress, but the committees that would obviously oversee or overlook this kind of a report that we can get some kind of response back.

MS. LEONARD: And you can request as your DFO, you can request that I find that out for you. I just need to get requests from you to work on your behalf.

MS. AKINS: I just had a thought, Jenelle, just to follow up with what you said that, I mean, again we do our best to follow what's in the statute and get your report out.

But as Jenelle said, we kind of really need you to, through her, to let us know, you know, what you need and who you'd like to see to come to the meetings.

There is oversight committees on the House side and the Senate side, as you know. So, over and above, you know, we always make sure that they get your annual report.

But if it's the, you know, budget or appropriations or whatever it is, we need you to let us know that. Because, again, this is your report and we can't, you know, we can't speak for you or say what you want. You have to let us know. And then through Jenelle, as the DFO, we can do our best to make it happen.

VICE CHAIR JACKSON-DENNISON: I did find what I think is the latest version of where we were, those of you that are on the subcommittee that worked on the recommendations, as well as the letter to Secretary Duncan.

I know Greg and I were going to refine it more, but about that time we couldn't get a meeting together because everybody was in limbo in Washington with the election coming up.

So, I did find a version. I just don't know when we would have -- I'm asking the Chair if we would find some time on the agenda to go ahead and, as a whole Council, look at what we have and go from there.

And I know I've got things that I wanted to add to it, too. And maybe you all do as well. So, that would go onto the -- would differ from the recommendations to Congress, but it would be things that we know could be paid attention to administratively which, in my view at this point, seems to be the only thing that's getting done anyway.

CHAIR ACEVEDO: With that request from the Co-chair, it looks to me that we could have a discussion on that right after our break at 11:00 to do that.

It seems to me that your focus is absolutely correct, all of you, on wanting to get some sort of feedback. I think the promptest way that we're going to get feedback from items that we know can be done administratively would be the letter to the Secretary.

So, I think us focusing on that today to get that done and then agree to it and send it to the Secretary is the most expeditious one.

The other thing that we talked about in the past and Alan made reference to it, was in our report to Congress -- and he did mention that we do an Executive Summary, but also we've had 21 or 22 items on it.

And I think that - and I was reviewing that this morning before I came over here to this meeting. And as good as they are, they get lost.

And we always talk about priorities in here and what we need to get done. And I think we need to say we want two or three or five things done, whatever that you all agree on, or ten items, whatever it is, but that becomes our real push and focus on that as opposed to -- not to say the other ten items on that 21-item request were not important. But if we expect to get some sort of legacy done with this particular Council, I would recommend that we focus on that.

There was a mention by Jenelle of the committees of jurisdiction. That's who that gets sent to. I certainly think that some way -- and I don't think any of us have figured out how to encourage or get the staffers that come from those committees of jurisdiction to come down here and visit with us, but we'll just have to make an effort and see if that can happen.

And through the Department, to put some sort of pressure on those folks to come and listen to us so that at least we know that someone's looked at this and they could even ask in this meeting if we can get them here to say, what are the two items you need done that we're going to do legislatively to help you out sort of thing, or whatever it is that you need. Because otherwise, it is falling on deaf ears.

And I know that we had an election year this past year. We all know that. We know that everything was focused on sequestration. Is anybody going to have a budget to work with? So, there were a lot of distractions on the Hill.

But based on what I heard by Secretary Duncan at the Tribal Nations Summit that the Administration held recently, there was a strong commitment from the Secretary to try to encourage and work with developing native American Indian education. So, now is the time to strike, I mean, on this early part of this administration.

And I think Congress, you know, I think you're starting to hear a little more receptivity from Congress in terms of trying to get some things done as opposed to what they've been doing in the past couple of years.

So, now is our time, I think, and you're all focused correctly where we should be.

Patricia.

MEMBER WHITEFOOT: Yeah, I just wanted to go back to Robin's statement that, you know, there are some of us that worked on this report to Congress. And we -- I did not get any communication that there was going to be a delay in this letter to the Secretary.

Despite, you know, the -- whatever it was going on with Congress and the elections, I still think that letter should have been done, because we wouldn't be in this position we are today and just work needs to continue despite that going on.

And then also, I guess, coming from a tribal perspective of where I work, it's going to be important for us as we particularly meet with the -- what is the name of the -- the Indian Affairs -- the Senate Committee on Indian Affairs, I think, is going to be real critical for us.

And whenever we're meeting with members of Congress and staffers, we really need to be talking with them. Because in the northwest, I think many of you know I serve as the education chair. And our tribes are always pushing for Indian education initiatives and have done so more recently, is taken a look at just the overall administration of Indian education and we're going to the Senate Committee on Indian Affairs to talk about Indian education.

And so, I think that's important for all of us to, you know, provide our focus and the work that we're doing and the recommendations that we're making.

And I look forward to making certain that we take actions to make certain that the staffers are here from those respective committees.

MS. AKINS: Mr. Chairman, I think you were saying a few minutes ago about figuring out how to make contact with those members of Congress.

And so, again, can't emphasize enough to follow up on what Jenelle said. When you all receive those emails that, attention, we're trying to pull together a meeting, you know, what would you like your topics to be, I mean, as soon as you can get that information to her, I mean, Jenelle, Joyce, Bill, all of us, you know, we'll work to try to get it done. And so, you won't have to figure out, you know, the vehicle, the method to do that.

If you request and send Jenelle emails when she calls for agenda items that you'd like that, then we would work directly with OLCA and then that's what they do, you know. They'll contact the Hill and they'll try their best to make it happen.

Of course you all know there's no guarantee. But, again, if, you know, you give us the request and if there's some reason we can't do it, then we'll let you know.

And then to Patsy's point not to make, you know, excuses, but I think that this is probably really the golden opportunity for that Secretary's report.

Because although, you know, the letter may have gotten, you know, finished and sent, again, because it was an election year, I mean, things really are in limbo. And work continues, but people do -- and maybe Jenelle can speak to this, because she's been here through other transitions, work still continues, but people still kind of operate in a, you know, we still kind of wait-and-see mode.

So, I actually think that this is a better time, you know. It's fresh. This new administration has started. And so, this might be really the better striking time, so to speak.

I think you have a really golden opportunity right now with that letter to the Secretary.

MEMBER WHITEFOOT: I just want to say in response to that, if I may, you know, from a tribal perspective, work still goes on with us in our tribal communities.

And so, we just continue to move forward despite these changes that go on. And I can appreciate your response, but I just think we still need to be moving forward aggressively.

MEMBER BUTTERFIELD: Yeah, I just had one more request or comment, you know.

I guess we don't know what we don't know sometimes. So, it would be helpful -- I'm just curious to get the list of who the report goes to. Just the names of, you know, the offices or individuals who actually receive the report.

I have because of my other capacity on NIEA, and we do have our Leg Summit coming up at the end of the month, I have actually asked people, have you seen the NACIE report?

And what I've heard from staffers is things like, oh, yeah, I think it's somewhere. It's in a pile of some documents that we have. So, you know, that's just two people that I happened to ask that of.

So, I am concerned that it's not hitting the critical targets or something which is to say at least if we get it there, you know, if there's an opportunity for somebody to read it and respond.

And so, I'm willing to follow up in the ways that I can even on my own individual efforts, but it would help if I knew where it went so I could know who to hold accountable for it.

MS. LEONARD: I think it's on the website. And I can -- I'm going to go and look and see, because we try to post -- everything that Thomas sends us back, we post -- yeah, we put it on the website.

And I thought we sent it to you all, too, because we don't separate it out. If there are four letters, we typically give you the letters of who it went to. We send you the whole packet. We don't separate it. We don't just send you the report.

Actually, the Chair, I think, and I'm not sure, Thomas, is that the way we worked it, but the Chair is supposed to send you the report. I send it to him, but we make sure that you get the whole packet. And then we post it on the web as well, but I'm going to go out and see.

And one of the things, too, I'm looking for is that we -- here it is. Because there is this question always about documents that we've done -- you've done, we decided that; one, for the report that Deb was talking about, the last report, the recommendations to the Secretary, we put it in a private space on that NACIE/ED. So, that was the last document that you all worked on in the public meeting.

And then we decided that if you needed access to any of the documents that we've been talking about like the report to Congress and all like that, we gave you a thumb drive here with all of these reports and all documentations related to NACIE on it so that you would have it in your hand.

So, you should have a thumb drive in your folder with these related reports, but I'm going to go out on the web and see if -- we'll get that information to you, is the answer to the question.

MS. AKINS: Robin, I'm sorry.

When is your event, the legislative event you spoke of?

MEMBER BUTTERFIELD: It's February 27, eight, nine, I think. It's like a Monday, Tuesday, Wednesday.

MS. AKINS: Okay.

MEMBER BUTTERFIELD: And it's here. It's here at the Holiday Inn.

CHAIR ACEVEDO: Just to confirm with Jenelle, it is on the website. And I was looking at the website this morning and everything is there.

And I know we did send out when we did the report to the Hill to the folks by email, that was done. So, but it's also posted on the website.

And as Jenelle mentioned, there is a code there to be able to just access that. And you can pull all those documents up. And now that we have the thumb drive, we have that as well sort of thing.

So, the documents are there with that said.

MEMBER BUTTERFIELD: For our discussion purposes today, can we get a print copy of the Secretary's letter?

I did print it up, but I don't know that everybody did.

CHAIR ACEVEDO: If the Council is open, I mean, I see no reason for us to delay. If you want to start working on this right now, we don't have to wait until 11:00 or so to start this.

I mean, this seems to be our number one focus today, and I think it's a good focus.

So, if you want to review and make comments, then we can finalize this as a Council.

MS. LEONARD: I think Robin may be asking for a printed version, because I have the same problem. I can't really read from a distance like that.

MS. LEONARD: The contractor will make some printed copies. I'm trying to get their attention.

Christine, are you going to be able to make some copies for the members? Okay. They're doing it right now.

CHAIR ACEVEDO: While they're doing that, let's take a 15-minute break, come back in and go to work on that if Council is open.

(Whereupon, the above-entitled matter went off the record at 10:28 a.m. and resumed at 10:49 a.m.)

CHAIR ACEVEDO: We have before us draft recommendations to the Secretary. We have someone who will take notes for us and make the changes as you review the draft.

So, with that, the floor is open for discussion.

MEMBER PHELPS: We are turning the floor over to you, Virginia. So, go ahead.

(Pause.)

MEMBER PHELPS: Mr. Chairman, this might be - I'm sorry for coming in late. I know our priority is the report, but, you know, I'm feeling a little, I don't know, not - I guess kind of confused about where we're at with kind of how we take what we're writing and how do we make this into some sort of action where we see some progress and momentum.

I feel like we've been working the last two years on these reports that I think summarize what our charge is as members, but how does that get communicated and then put into action in some way?

And I guess from my standpoint, you know, I struggle with, you know, what's our role here as NACIE?

I think we're sort of a committee that covers all, but impacts very little at the end of the day. And I know everybody is busy. So, I don't want to point fingers or blame.

But what I'd like to do is discuss how maybe we could look at sometime during this meeting over the next few days, how we can move from defining what our report is, what our action is and how we, as members, can kind of make our largest impact with the limited time that we have.

And, I mean, you know, I'd like to look at our structure in terms of, you know, we're taking an afternoon tomorrow to go to this interagency. But, you know, I have questions like if we're the advisory group, as I understand it to this interagency initiative, the White House initiative, has our report been used as a guiding framework for defining how that interagency group will work together in terms of the initiatives?

Secondly, should we be able to get a list of that interagency members and should our subcommittee work maybe reflect some of those key strategic areas that work together like Department of Justice, like, you know, Safe Schools Operations so that if we're supposed to be advising in a capacity to guide that work, should we be aligning ourselves so that we provide some of that expertise to those agency groups if there are such things?

And lastly, can we talk about our meetings so that our face-to-face meeting has the largest impact so that maybe this group goes as a group and meets with people on the Hill to discuss our report?

That we take an afternoon, a day and we break up into smaller groups and meet with different people from our states or the different committees to present this report and present our recommendation so that we, while we're here, while we're together as a group, have the largest impact in getting our report out there.

MEMBER THOMAS: Mr. Chair, this is Virginia.

I think - Karen is not here, but I think we might have a problem with legalities about lobbying. It may be considered lobbying and we're not able to do that, because Jenelle will take us down.

MEMBER PHELPS: Well, I don't mean lobbying, but just present our report or present our findings.

MEMBER THOMAS: I do understand, and we need to make sure that we clarify that this is what we're asking for. We're not asking for them to do anything else, but we have to make sure we don't cross the line for lobbying if it's considered that, but I agree that we need to find out some information.

And if they can't come to us, we need to go to them, and that's a good idea. It would have to be in an unofficial capacity probably with legalities here.

If we do that, it would have to be calling another short meeting, short day, you know, a recess or something so that if we do want to go and visit with our own state representatives, that we could do that. But I agree that we should, you know, make something of a point.

My earlier point about when you talked about the report that we had, there were so many issues, I know that if you guys all remember, we had over 40 something up. Then, we cut it down to 20 something. So, that was a cut-down. And then it took the Committee just to get that cut-down to that 20.

So, if you want to go smaller than that, we're really going to have to combine, you know, key topics especially if you're going to give a report tomorrow. Because you're not going to give them all 20 that we have, but we've got to decide as a group today what the key points that we would like to see recommended on who's actually going to be presenting that, because we're not always going to have the ear of the Secretary or the Secretary of the Interior.

Tomorrow is probably the day that we need to get their ear for what they need to hear from us.

MEMBER McCracken: Just to echo on some of Stacy's points in regards to communication of the work that we do whether it's through the report, I'm just curious on if it's from a legalities perspective, to have maybe a designate like our chair present to the education boards that are out there. So, the, you know, the board that Robin sits on and Patsy, they work very closely with the National Indian Education Association. They work closely with those.

I attend those things as a businessperson. And to see zero representation of this work and this platform of work at those national forums, because ultimately we're representing our people here and our people don't know what work we're doing.

So, I think if we can, to bring clarity to kind of Stacy's point, agree to know what our roles and responsibilities are as a board to communicate the work that's getting done when we gather to the people who are representing, which is our Indian nations across -

I'm just curious if that has ever happened in the past knowing that and how can we move forward.

MEMBER THOMAS: I just have another comment to add on top of everything is that tomorrow may be our chance to when we speak to these people that we could let them know who we are, because they're in the position that they can't go to Congress, they follow through on what Congress tells them what to do, but we can.

And maybe with the attempt of saying, you know, tell us what your needs are to get what you need to do for us that it will be in our next report, or even to the letter to the Secretary, but we should be asking them, are you paying attention to me?

My old school teacher is coming out, but that's what it is. We need to make sure that they understand what we can do for them, because they can't do it, because they're kind of the follow-through from Congress.

But we, on the other hand, give to Congress what we need. So, that's what we need to do.

CHAIR ACEVEDO: Robin.

MEMBER BUTTERFIELD: Yeah, just one comment on the topic that Sam raised was I do think that we ourselves can do a better job at collaborating with NIEA. I just met with NIEA's new legislative person this morning and he's going to be here this afternoon.

And I asked him, I said, have you even read the NACIE report? Are you aware of what's in there?

We have our Leg Summit coming up and I'm going to recommend that it go into every packet that we give to our delegates, because Indian country doesn't know about the report that we're making.

So, I think there's a number of things that maybe this discussion is raising that we can do better.

NACIE used to work very collaboratively with NIEA. They held hearings there all the time. So, NIEA members back in the day used to know what was going on with NACIE, because they were providing testimony and they were right there.

So, that sort of has dissolved over the years. And I think that at least my understanding of sort of the perceptions of Indian country is that not much happened with NACIE. So, they kind of just let it go, even the recommendations that were made by previous NACIE boards.

But I think it's a good time to say it's a new day, we're working hard on this, we've, I think, got a much stronger support from the Department of Ed than we've ever had in the past, and, you know, we can just take a more aggressive approach based on that.

MEMBER PHELPS: You know, I don't know if we have the people in the room to answer these questions, but, you know, what is our role in relation to this, the White House initiative and the Executive Order?

I mean, can somebody clarify? I mean, are we the advisory group to that thing, or are we just the advisory group to here? I mean, how far are we supposed to be advising in that capacity?

MS. SILVERTHORNE: We're looking at each other trying to decide who's going to take on your question, because it's a tough one. And in reality, the NACIE under its charter, is designated to Department of Ed.

However, this is an initiative that has come forward and it is a new day, it is an Executive Order that we have not seen before, and it is an attempt at looking at the Indian education from childhood through college, which we have these barriers, we have these silos and they're difficult to bridge.

The meetings, I think, long ago with the earlier NACIEs had a more interactive role with other organizations. And I know now I have to be cautious even in my job, to make sure that I'm not meeting with an organization and influencing how they might lobby forward over another organization that should have equal access.

And so, somehow that equal access has to be there. And I think that's a similar role that we face with NACIE, but NACIE is an appointed group that has some leverage and some flexibility that I don't have in my job, that organizations don't have.

The description of who can lobby or not lobby, who can go to congress and who can make recommendations, all of those are critical issues for you to debate and to bring forward, because it truly is in your hands to define how this is going to look.

I can tell you as a previous NACIE member, I felt some of the same frustrations I hear you voicing. And I think that we did not sit through that difficult task of redefining how that can work and how those answers can come back.

And so, you're receiving the same thing. And so, it's your opportunity.

MEMBER PHELPS: So, to clarify, you know, so as a NACIE group if we have a meeting out here like we've taken some time, are we able to go and meet with congressional reps and present our report?

We're not? Not even just - not to lobby, but to present it.

MS. LEONARD: When the NACIE council comes together, it's a public meeting. And so, you can't take off or go and visit, because it's public.

Everything that you do when we open a public meeting, the public - it's your - it's the meeting where you are discussing NACIE business and the public is a part of that, is the listening ear to that.

So, you can't say that we're going to join and then subcommittees are going to go different places. You can't do that under the FACA rule.

VICE CHAIR JACKSON-DENNISON: So, would it be okay or appropriate or has it ever been done in the past for this organization, the NACIE council, to request someone like, say, the Chair of the Senate Select Committee on Indian Affairs, to come to our meeting and provide information to us here?

MS. LEONARD: I don't know that it's been done, but it certainly is doable.

MEMBER McCracken: Since we'll be here until Friday, is it too late to submit the request and maybe he could show up between now and Friday?

Because what I heard earlier is we don't have budget to have face-to-face meeting. So, it's really not a reality within this next calendar year, because we won't meet together face-to-face.

Am I correct by saying that?

MS. LEONARD: So, even though we won't come together face to face, there's an opportunity to have three other meetings. And we can - you can invite whomever to one of those virtual meetings.

You can, I mean, for the meetings that you will have, you could invite anyone you want to, okay, to those meetings. So, don't discount, I mean, just because we're not coming face to face, we are going to have public meetings.

And the way it's going to be handled, virtually - we did one before. We did a trial run. It wasn't quite as - what do I want to say - successful as it could have been.

And I think as we move forward with conducting virtual meetings, we'll get better at it. But certainly all the members will be on the phone, and the public will have a dial-in line that they will have an opportunity to listen.

You probably will have a wider audience since it's a phone-in, but you can - I'm just trying to - we could also do like a webinar kind where you could invite the speaker, the speaker could be seen by whomever is dialing into the webinar-type format.

And so, yes, it's doable. It's doable.

MEMBER PHELPS: I'm sorry, I don't understand something. Sorry. I didn't mean to interrupt anybody.

So, how are we adjourning tomorrow to go to this thing, but we can't adjourn at a meeting in the future and go to the Hill? I don't understand the difference.

MS. LEONARD: You can adjourn at a face-to-face meeting to not go as a group. And the way you're handling it this time is that you're on your free time tomorrow. The NACIE meeting in the public notice is that NACIE will meet from 8:00 to 1:00.

Whatever you do after 1:00 is your free time. It's not NACIE's time.

MEMBER PHELPS: So, in theory, there's a mechanism if we wanted to - if we agree as members next February or whenever our meeting is to set the agenda, and some afternoon we wander on our own time together as a group of individuals, not NACIE members, and present and talk to people.

That was really hard to get to.

(Laughter.)

MEMBER PHELPS: So, to my committee members, can we look at restructuring our meetings face to face, because I think the virtual thing is nice for business. But if we want to make an impact that, you know, I mean, you know, we're competing with a billion websites to get people's attention. I just don't, you know.

I mean, I guess that's where I was going. Is it possible for us to at our meetings, structure them such that we have an impact where we could go on that adjourned personal time to present these reports since it doesn't appear we're getting these reports out to people who are making decisions?

And I guess if it's our report, I feel like maybe we should represent it the best and report it as members together.

VICE CHAIR JACKSON-DENNISON: I am in total agreement with what you're saying, Stacy, but I also think that we are - what I think you're feeling, because I know I'm feeling this way, is that our role as NACIE needs to be taken to a higher level.

Besides just defining what we're doing, it seems like now more than ever we really need to - I don't know the right word for it, but we need to make use of it because, first of all, we all know that we're not getting any answers from Congress.

And Congress, as you all hear and read and see on the news, is that nothing is being done. So, it's almost like we need to put more pressure and elevate our assertiveness and our ability to make use of our time and to be known.

And I think that on one hand we have a perfect opportunity, because we're - we do have a supportive administration. And I think what we do with it now is really take that forward step and push the envelope even further and not lose the opportunities that we do have, because we really do need that right now.

And I'm talking more from experience of what I'm experiencing back home at the grassroots level with the schools that I'm working with and the conditions that we're dealing with right now, because Congress won't pass a budget.

That's the kind of thing that we're dealing with here, too, but it's just really important for us to - and I hope Jenelle and Joyce understand that we're really asking to look at things a different

way than maybe - because I think we shortchange ourselves when we start saying we can't do this, we can't do that, we can't do this because of this rule.

And I understand the importance of that, but at the same time we need to look beyond and figure out, so, what can we do? And how can we push the envelope even further so that we can make certain that NACIE is known and that our time is not wasted, because I'm sitting here today when I have people trying to contact me from home on issues that I could be dealing with.

If it's important and we're here, let's make use of it and let's make this organization to be all that it can be by connecting with NIEA and other organizations and really pushing that forward and not just hoping that we'll get what we want.

MEMBER RAY: Alan here.

It occurs to me that, you know, this is probably a multi-pronged effort, right? Invite the staffers to come who are relevant to the reports so that representatives hopefully hear, you know, possibly adjourn and take the message to them.

It seems that the President has put a big focus and those down the chain, on the interagency working group. That seems to be getting a lot of light these days.

Might it be possible well enough in advance to coordinate joint sessions of this and the interagency working group? In a three-day period, one afternoon would be devoted to meeting with those folks.

So, we aren't, you know, reinventing the wheel or going across purposes to what is obviously a pretty important group right now.

I get the feeling probably we all share the same goals and probably a lot of the same methods. And to have that kind of a joint meeting, I would find that very helpful.

MEMBER THOMAS: This is Virginia.

I was wondering, you know, Sam - either Sam or Robin had the idea of inviting them at this session. Because, you know, a virtual meeting is very difficult to deal with them.

But if we could invite, you know, staffers from recommended subcommittees, I think there was one on the House side, one on the Senate side that we should approach, and we do have time in the public meeting section.

And, you know, we don't have a lot of public speakers that come. And if they are, we're aware of them ahead of time that's coming.

So, maybe if we could ask them on the third day, that would give them enough time to prepare, at least to read the report before they come, you know, to find out what they're going to do.

But I would recommend that we put them on the agenda, invite them to come to be placed on the agenda on the third day.

MS. LEONARD: Okay. I'm just trying to figure it out in my head how to go about doing that.

The thing that we talked to the chairperson about was inviting our Office of Legislative Affairs over to see if they were available to come over and speak to you while you were here at this meeting.

I could also go through Legislative Affairs and find out who the staffers are and see if they could extend an invitation to them.

I'm not sure that they can turn around that fast. I'm just not sure, but I can -

MEMBER THOMAS: But at least we can extend the offer.

MS. LEONARD: Yes, I can. I can do that.

MS. SILVERTHORNE: And the person from LOCA that sent the information to the Hill that announced this meeting is Lorenzo Olvera. And I think probably - and he was waiting for word from somebody who might come.

If anybody is coming, he was going to let us know ahead of time so that the introductions could be made.

I think we could also contact him back, because he may have some word now about what possibilities there are. And he's already been working toward trying to get this communication going.

MEMBER PHELPS: And I know, you know, we can be hopeful, but maybe be more realistic, you know. In the future, I would really like to, you know, Alan put it nice, let's come up with a structured meeting since it's three days, you know, where one afternoon is us and the interagency, one afternoon is legislative, you know, so that we know with consistency so these invitations can be sent out. Because, you know, come up with a framework for the agenda, you know, so everybody knows, you know, from 8:00 to 1:00, you know, we're doing these updates.

And then the first day, you know, it's not - I don't want to say themes, but we try to commit to a structure so that we get these invitations out and we have an impact, you know. Interagency, legislative visits, you know, committee report, you know, something to where since we only have one meeting face to face, we need to maximize that impact.

And that way we're not guessing and trying to get people here, you know, last minute.

We could use those conference calls to kind of build up and who we want, but, you know, we know that our meeting is kind of structured around that framework because, you know, right now, you know, I think it's a little late for us to try to be realistic that somebody is going to show.

CHAIR ACEVEDO: All right. All good, constructive comments. I think we're all 95 percent on the same page on this.

I would like to bring us back around to two things that I want us to get done as a council.

One is making sure that whatever you want to send to the Secretary gets done. That's one thing that we can constructively do now without having to wait for people from the Hill to come here, without, you know, and the recommendations from all of you all point to trying to get more interaction from the Hill. And that's something we need to emphasize in the future and make it happen for subsequent meetings whether it be virtual or whenever we have our next face to face.

Part two of that is, and Alan touched on that, and Robin came over and spoke to me during the break about the interagency working group. That is certainly something we can have an influence on.

If you go back and look over this Executive Order and you highlight where we're named in here as having new - a new role, that we can affect, I think, Native American education in a positive way by being proactive within that group, and the Executive Order calls for us to be proactive.

The only problem is for all of us, and you've heard it time and time again, is that there's no money.

I mean, the Executive Order calls for it if funding is provided. Well, the Executive Order can't fund us. It has to come out of the Department, and then ultimately from appropriations on the Hill.

So, that does hamstring us, but nonetheless there are some obligations in here that require our input. And I would like us to focus on that.

And the fact that Bill was here talking about that on our behalf, that we'll certainly emphasize that tomorrow our role here and how we expect to be involved directly with this new interagency working group.

And there are some varied declaratives in here about what we were supposed to be doing in working with that group. So that, we can have direct effect on.

So, those two things seem to be in purposes of getting things done for this meeting, because, look, and Stacy just said it, we can run up against that brick wall another two years in a row here on the Hill and nothing is happening.

So, let's use the doors that we know that are open to us; the Secretary and the interagency group, to have our strongest role in getting things done. And maybe, and it's a huge maybe, that something will open up on the Hill for us to get some legislation done that would be positive towards Indian country.

But let's use these other approaches that don't require the legislative one as our primary focus, because I think those doors are clearly open to us.

And that's not to say we shouldn't, you know, emphasize the initiative to get the Hill involved. But nonetheless these other ones are - we could have a direct impact without having to wait around for Hill to respond to us.

MEMBER BUTTERFIELD: Just to sort of piggyback on what you said, Thomas, I was hoping that this Executive Order be a standard agenda item and that each of the - it's very clear in here the various tasks and ideas of things that are sort of targeted with the Executive Order. Beyond the Interagency Task Force is one part of it.

Could we please request a written update each time we meet in terms of every aspect of this report?

You could simply go through and do 2 II, done. 2 IV initiated and, you know, some little, quick narrative. It doesn't have to be, you know, take somebody weeks and weeks to do it. Just a bulleted update so that we know what's moving forward, you know.

And I can't advise on something I don't know anything about. And so, that would really help me be able to track, you know, what we could oversee is just to have a regular written update around the Executive Order.

And I would make that as a formal motion.

CHAIR ACEVEDO: It's been moved.

Is there a second to that?

VICE CHAIR JACKSON-DENNISON: I'll second.

CHAIR ACEVEDO: Seconded by the co-chair.

Further discussion?

MEMBER NEWELL: Would you repeat the motion, please?

MEMBER BUTTERFIELD: The motion is that we get at each one of our meetings, a written report that follows the outline of the President's Executive Order on Indian education that gives us an update on the activities and where it stands.

MEMBER NEWELL: Thank you.

CHAIR ACEVEDO: Hearing no further discussion, call for the question. All those in favor of the motion, signify by saying "aye."

GROUP RESPONSE: Aye.

CHAIR ACEVEDO: Those opposed, same sign.

(No response.)

CHAIR ACEVEDO: Hearing none, carried unanimously.

In looking at the - and this goes back to the question that Stacy asked of Bill when he was here, what his role is.

In the Executive Order, it calls for the Secretary of Interior and the Secretary of Education to appoint an executive director who then works with us.

That's a question we'll ask tomorrow of Bill saying who is that executive director going to be? Do you know, and has either secretary recommended someone and are about to appoint someone?

Because that's where that report that Robin just achieved with this request from the council of having those periodic updates as what is being done or not being done and what assistance they need in the process.

So, that's important whoever that point person is. There is a point person named in the Executive Order.

It is Bill?

MS. LEONARD: Yes, it is.

CHAIR ACEVEDO: It is Bill?

MS. LEONARD: It is.

CHAIR ACEVEDO: All right. That's our point of contact then. That's who we will make that request of tomorrow.

MEMBER WHITEFOOT: Well, that's a point of clarification again -

MS. LEONARD: Yes.

MEMBER WHITEFOOT: - I think, because it still is questionable.

MS. LEONARD: Bill is the executive director for - yes, it is Bill, but may I make some comments?

I want to follow up on Robin's motion that just passed, but I want to speak to you as the DFO and say to you that you are so empowered. You are empowered.

And for the things that you need to have from the Department or any external agency in order to effectively do your business when you come to this face-to-face meeting and sit around the table and discuss, you're empowered to do that. And it doesn't have to be that you come face to face to make the request.

Part of our role is to make sure, but at your request, make sure that you have all of the information that you need to effectively do your business, not to give it to you when you sit here, check in the hotel or whatever.

But if you know that a meeting is coming up and you need to see what the FY13 budget is or what's being proposed for the FY14 budget, that's a request that comes from NACIE to say these are the documents that we would like to review prior to our coming to a meeting, and these are the people we would like to have present to discuss these documents.

You are so empowered to do that. I am just awaiting your requests, okay? So, I just want you to know that it doesn't have to - it doesn't have to be here and now where we give you information. But as you are - we have two meetings.

So, you have six months to prepare for a meeting. So, as you're going through that six-month period, there are things that we need to be producing for you and don't look at it as a burden on us. You don't factor in the burden part. You make the request.

If we can't deliver it, we'll tell you why we can't deliver it. You make the request to us, and we will try to the best of our ability to whoever it falls on - if it's Bill writing up a status report on the Exec Order, that's what we'll do. The request came to us.

It is our obligation to do that for you. So, I just wanted to let you know how empowered you are.

And the other piece I would like to talk about when you ask about the role of NACIE with the Exec Order, the Council should internalize that Exec Order, okay?

Because what it did was under the statute, there's a charter. And you have in the charter, two meetings. Then the NACIE responsibility was expanded under the Exec Order. And I'm going to look at Joyce to correct me where I go wrong.

So, it was expanded, which means you have added responsibility based on the Exec Order.

What Bill has been trying to do, and I'm putting words in his mouth, is to expand the NACIE responsibility.

So, you can look at it this way: There's a Joyce part, and there's a Bill part. And so, we were trying - he was trying to say, well, if you have two meetings that deals with Title VII and - right, then, okay, you have that. But then the Exec Order requires - has given you added responsibility, which means you need more meetings.

That's the reason Bill is saying, okay, for the Exec Order, we need two meetings for the Exec Order, and maybe two meetings for business as usual under the statute.

But that's the reason that they were expanding it to four meetings, so you would have enough time to not only address the statutory requirements that were stated for the original NACIE, but also to expand and have time to work on the things that are stated in the Exec Order.

So, as you think about the other three meetings, you should use that as a guide to say, you know, how are we going to address the things that we now have more responsibility for based on the Exec Order?

So, that's kind of the way the four meetings evolved.

MEMBER McCracken: So, a comment and a recommendation.

So, someone that doesn't work in the education industry on a day-to-day basis, is it possible that prior to whatever if it's a conference call meeting or a face-to-face meeting instead of - I know we all receive an email, but, you know, from a mind space perspective, having a conference call as a board, is that legal to do that prior to the meeting so that we make sure that we're all in alignment and

understand what we're going to be looking - working on for that prior meeting? Do you understand what I'm saying?

So, instead of having these discussions now of things we need to do, maybe we could do it as a conference call a week prior or two weeks, whenever Jenelle sends the note that we're going to have a meeting, or they'll doogle. So, when we receive the doogle, then we know that we're going to have a face-to-face meeting or a conference call meeting.

Can we - is it legal to gather together to discuss what we want to discuss at our meeting, is what I'm saying.

MS. LEONARD: Mr. Chair, it's legal. It's legal, but there is a way that it is legal.

So, if the Council set up so many subcommittees, the subcommittees can meet as much and as often and come up with agenda items.

So, if you have one on, let's say, finance, education, the EO, whatever, so you all could meet subcommittee-wise. You can't have a full member conference call, because it would have to be announced. It would be public, but subcommittees can meet.

And you all know, Robin and Virginia and Deb, you met as often as you needed to be to talk. And you shared the information with the chairperson, who then shared it with the rest of the Committee.

The thing of it is, is that you can't make decisions in those meetings. I mean, you'd have to - I mean, you can't vote on anything in those meetings. It would have to come to the public, but you - there are ways that you all could meet, but would be by subcommittee, and that you can get information from one subcommittee to the other.

Do you see what I'm saying?

MEMBER McCracken: I just want to put that so that my simple mind can digest this.

So, as a subcommittee, they can't make a decision on what's on the agenda?

MS. LEONARD: The chairperson and the co-chairperson -

MEMBER McCracken: So, all we would do is make a recommendation to Thomas to say these are the agenda items that the subcommittee decided that when we do all gather as an organization, that these are topics that we think are important for us to discuss or get information on.

MS. LEONARD: Uh-huh, right.

MEMBER McCracken: I'm just trying to get into my little, simple brain here to make sure I figure it all out.

MS. AKINS: I think you do this anyway. For the subcommittees, though, you have to include Jenelle, or Jenelle can designate a federal official to help facilitate your subcommittee meeting.

It doesn't have to be announced, but preferably Jenelle, but someone from the Department needs to be a part of your subcommittee meetings just to help facilitate anything you might need.

CHAIR ACEVEDO: The Chair would certainly recommend a motion to establish an agenda subcommittee.

MEMBER McCracken: I second the motion.

CHAIR ACEVEDO: That was a chair recommendation. Are you so moved?

MEMBER McCracken: I mean, I'm happy to do that just because I don't work in the education industry on a day-to-day basis.

So, for me coming here to make sure I'm mentally prepared to give - put my best foot forward to fulfill my obligation that I have signed up for, I think it's important that we do that, but I would love to have some people who worked in the education industry -

CHAIR ACEVEDO: All I'm asking is for a motion to designate a subcommittee. The Chair will appoint the subcommittee.

Is that so moved?

MEMBER McCracken: That is so moved.

CHAIR ACEVEDO: Is there a second?

MEMBER BUTTERFIELD: I'll second.

CHAIR ACEVEDO: Seconded by Robin.

(Laughter.)

CHAIR ACEVEDO: Further discussion on the motion. The motion is to appoint a subcommittee to set the agenda.

Further discussion.

MEMBER WHITEFOOT: Yes, discussion. I've been giving that some thought about the agenda.

I was hoping that we could as a group here, put that agenda format together, you know, such as the Executive Order would be - it would be a standards action.

So, I guess if you want to appoint somebody, that's fine. I was just hoping as a group we could do that.

CHAIR ACEVEDO: Thank you.

Additional discussion on the motion?

MEMBER THOMAS: I like Robin's idea, you know, for the - following the Executive Order and how we're succeeding. I think that should be part of this agenda committee and using that as their format.

CHAIR ACEVEDO: Call for the question. All those in favor of the motion, signify by saying "aye."

GROUP RESPONSE: Aye.

CHAIR ACEVEDO: Those opposed, same sign.

MEMBER BUTTERFIELD: No.

CHAIR ACEVEDO: I will look to, initially, volunteers to serve on the Agenda Committee.

There was one nay, sorry. Motion carried.

The Chair would now look for volunteers to sit on this Agenda Subcommittee. If not, the Chair will appoint.

(Pause.)

CHAIR ACEVEDO: Robin, Virginia, Stacy, all right. I think that's a strong committee. With that, that is our standing subcommittee for setting the agenda.

How you communicate that to all of us, we look forward to. Thank you. I will appoint Sam as the Chair of the Subcommittee.

(Laughter.)

CHAIR ACEVEDO: Next item for discussion, I'd like to get us back now to the letter to Secretary Duncan.

MEMBER THOMAS: Before we go forward, I just want to make a comment on Jenelle's part.

She does put out emails asking for all participation on the agenda. I don't know if she hounds you, but she hounds me.

So, it's not - and Jenelle is right, you know. We are the ones that have to initiate. She just keeps giving us this opportunity and we always kind of look at each other like with doe eyes. But, Jenelle, we thank you for reminding us that we need to take that responsibility.

CHAIR ACEVEDO: And I'd like to extend that accolade to Jenelle. We do speak, and the first thing we talk about is get the message out to all of you so that you can set the agenda.

And so this, I think, formalizes it more and makes it more concrete so that we won't spend three hours talking about how we're going to set the agenda. We've got the agenda set, so I think that's very constructive on all of your parts.

VICE CHAIR JACKSON-DENNISON: So, you have up on the screen up there the draft of where we left. And what we did pretty much moving on to the letter to Secretary Duncan, is we - if you recall, what we did was we put all the recommendations together. Then we sorted out what went to Congress, what went to the Secretary.

And from there, we pulled out the ones that went to the Secretary. Some of them went to both Congress and Secretary. So, it's really in a rough draft format.

And I noticed that our assistant over there has been putting notes on it, too, but I think we probably need to go back to the beginning part of it and look and see what we have, and it really needs a lot of cleaning up.

I would think that it would need to be more of in a letter format. Dear, Secretary Duncan, or whatever, and then here are the bold recommendations you asked us for. Something of that format. And then, it needs to be signed and delivered.

So, like I said, it's really roughed. It's really a rough draft. So, any recommendations on how we want to start? Want to review it first and then start from the top and work down?

If you recall, let me just remind you how we did this. We broke it down into; A, continue to raise the profile of Indian education as a priority for the federal government. And we put down all - we sorted them into - we subgrouped them, all the recommendations that went to Congress.

Do we want to use that same format in our letter, or is it - and B was improve coordination of governmental programs and entities to deliver adequate funds and services to support educational initiatives in Indian country.

And then we had several there. And then C was access the results of tribal consultation by all governmental agencies.

And D was provide technical assistance to address the needs of American Indian and Alaska native students.

And then E, ensure the validity - vitality of indigenous languages and cultures and the health of tribal children.

And that's pretty much how we broke it down in the report, but what this includes is just the ones that went to Secretary. Some of them, like I said, went to Congress as well.

So, I don't know if you want to give some time to review it and then start making comments, or if you want to go through and start just putting it in the letter format.

CHAIR ACEVEDO: With respect to this particular letter - I know I had spoken to all of you about the one that goes to Congress and keeping that in a more abbreviated fashion.

I certainly think that since this one goes to the Secretary and we directly advise him under our charter, this one can be as expansive as we need. I don't think we need to - I'm talking about the 40 down to 21, you know, number.

If it's 21 we need, let's go with the 21 that we need to keep the pressure on the Secretary.

And then in the letter that we send to the Secretary on behalf of the Council, some sort of reporting schedule back from staff as to progress or lack of progress on various recommendations we're making to the Secretary to go along with what Robin had requested of the Interagency Task Force Group.

MEMBER THOMAS: I just have a question here for clarification.

Has everybody really read this yet? I don't think so. Because the Subcommittee when we drafted the annual report and then Alan looked it over, and then we had put together the points that we wanted for the Secretary - and this is more in detail than what we gave to the annual report. It seems like that's what it is now.

Maybe we could take some time now just to let everybody read it over, make recommendations if there's going to be any, because we don't want to change what we said to Congress. We just want to make it readable for the Secretary and to add to this the expectations about response back.

CHAIR ACEVEDO: Good. If there's concurrence from the rest of the members of the Council, we'll allow the next, I think, 20 minutes for you to read this. And then we will do our lunch break.

And then I don't know if - is Bill coming back this afternoon? He's scheduled to come back to us at 4:15.

I'm trying to look to find out when we can fit this back into the agenda. It may be something we have to do tomorrow. Yes, let's do that first thing in the morning.

So, what we'll do is review it now in the next 20 minutes, take a lunch break, and then we'll put it on the first thing in tomorrow morning's - it's already scheduled in here. So, we'll do that, all right? That's in agreement?

All right. Please go ahead and read and digest, and we'll break at noon.

(Whereupon, the above-entitled matter went off the record at 11:41 a.m. and resumed at 1:17 p.m.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(1:17 p.m.)

CHAIR ACEVEDO: Let's reconvene for the afternoon session. Council is officially back.

We're going to start this afternoon with the Director. Joyce will update us on some things that she wants us to know.

So, with that, Joyce, over to you.

MS. SILVERTHORNE: Thank you. This has been a very interesting and educational year at the Office of Indian Education.

I don't think I have ever been so busy in my life trying to keep up with the crew of people who are doing monumental work and trying to do it as close to date times as we are possibly capable of making, and trying to keep things moving, and trying to be innovative as we go.

Last year you told us that you did not want us to do PowerPoints and drill and kill. So, I am sorry, but we do have a couple of PowerPoints, but we are smaller and trying to provide a lot of information in fewer spaces.

(Laughter.)

MS. SILVERTHORNE: It has really been educational for me. In all of my 30 some years of being an educator, I have worked - I began in what was a demonstration school, an alternative program at the time. And that alternative school became a tribally-contracted school through the Bureau of Indian Affairs.

And so, then I have a whole passel of children. And as they worked their way through head start and Title IV, V, VII, III, all of the titles that Indian education has been, and then I spent 16 years at Salish Kootenai College.

So, all of the information that I am spending my time on this past year is linked to all of those pieces, but, quite honestly, there was a whole blind side that I did not see.

And so, seeing this from the other side and trying to understand how we can better serve Indian children across this country, is a true challenge.

And so, I bring to you our first attempts at some efforts to provide some more concise information to NACIE, and to provide you with some background.

When you go back and people ask you questions, there's a lot of information. And I guarantee it's good to have faces to connect with the information that's in the office, because there is a lot to it. There's a lot of statute to producing a grant is a lot of work in between.

So, with that, I'd like to bring up first our discretionary programs. And we're ready to go with our discretionary PowerPoint.

This is Lana Shaughnessy. And Lana Shaughnessy has been in the office since 2005 on the second round, right?

MS. SHAUGHNESSY: Right.

CHAIR ACEVEDO: Lana, would you speak directly into the microphone? Otherwise, they can't pick it up. And we have two council members calling in.

MS. SHAUGHNESSY: Okay, great.

MEMBER NEWELL: Mr. Chairman, this is Wayne Newell calling in.

CHAIR ACEVEDO: Thank you, Wayne.

MEMBER NEWELL: Okay.

MS. SHAUGHNESSY: Hi. As Joyce said, my name is Lana Shaughnessy. And I have been at the Office of Indian Education working on the Discretionary Grant Program since 2005. I am a member of the Kiowa tribe of Oklahoma.

And with that, should I apologize? I do have a short PowerPoint. But I just felt to do justice to both programs, demonstration and professional development, I'd like to walk you through a few slides.

We do have handouts about the program - both programs. There is one handout that provides you the abstracts of the funded 2012 Demonstration Grants. And there is one that are the abstracts of the funded 2012 Professional Development Grants.

I've also provided maps. I think there's a formula map, and there's also a Demonstration Grant map to give you an idea of where these projects are located.

And I also - we have a handout of the Federal Register Notices that - both programs are open right now for applications.

So, with that, okay, well, I guess we can skip to the next one. Okay. Currently we have 42 Demonstration Grants that are currently doing things.

Of those, 15 are focused on preschool. We have 21 high school projects running. And we have six that are combining both a preschool project and a high school project.

One that comes to mind immediately is like Chief Leschi has a preschool and a high school component.

We have currently 33 professional development projects running. 28 of them are focused on teacher training to get their bachelor's degree to serve as a teacher.

We have four that are a combination of teacher training and principal or administration training. And one that is specifically only doing admin training. And I believe that's Joe Martin at NAU, Northern Arizona University, Flagstaff, Arizona.

Okay, go ahead. So, the Demonstration Grants are located in 15 states. And you do have a map provided in your handouts.

Keep going. And our Professional Development Grants are currently now located in 13 states. And, again, you have a map. The map also includes the funding allotments.

So how many children did we serve? Oh, this is exciting. In 2008, there were Government Results and Performance Act indicators applied to our programs so that we can kind of look at our results and provide a measurement of how successful our projects are.

So, those measures were applied. And when we look at the next slide, the 2008s were completed in - most of the Demonstration Grants were completed in May of 2012. So this is a review of their annual reports, and of course their final report.

And what we find are the total number of students that we served in preschool projects, preschool children, was 772. Those children had pre and post-assessments provided that documented in three areas of development, which were language skills, cognitive skills, and social/emotional.

72 percent of the children were showing gains in those areas that they would be ready and ready for kindergarten.

And with our high school projects between 2008 that ended in 2012, we were able to document 5,443 ninth through twelfth graders. And in those projects, 81 percent of the ninth graders graduated last May, 2012. And 63 percent of the students successfully completed three years in making a C or better in core coursework.

And core coursework are classes that are not remedial that count for high school graduation purposes.

Okay. In our Professional Development Program, which I'll just real briefly touch, because I know Jim is going to go through this, we had five programs funded in 2008. And 80 students graduated with a bachelor's degree to be teachers.

That slide looks a little different from what I remember. Where was the 119? Is that on the next slide?

Oh, you changed it. Okay. It's still there. The total number of the students that participated in the 2008-funded Professional Development Grants, the total number came to 119. And out of that, we were able to document 80 participants who graduated.

Okay. Oh, I thought you would find this of interest. These are preschool projects that have - we have one that's, I would say, is total immersion. That's the project at the Lac Coute Oreilles Ojibwe School. It's called Waadookodaading Project.

Go to the next slide. And this is current grants. We have three early childhood projects that are focusing on native language preservation or provide native language instruction in some way in their classroom incorporate native language.

Oh, Douglas County School District and the language is Omaha. That's what that slide means. Minneapolis School District and the languages that they're focusing on are Dakota and Ojibwe. And at San Carlos Apache, obviously it's Apache.

At Ysleta del Sur Pueblo, it's in year two and the language is Ysleta Pueblo. And at Omaha public schools, again, we have Omaha.

Next slide. And we have four projects funded in 2010. Turtle Mountain Community Schools, the focus is on Ojibwe. And they call their project the Tiny Turtles.

At Minneapolis School District, again, Dakota and Ojibwe. And they actually have two preschool classrooms. One that focuses with Dakota, and the other one that focuses on Ojibwe.

And there's Waadookodaading that I mentioned, which is total immersion. No English is spoken in that program. It's five days a week. It's a full-day program.

And at Chief Leschi Schools, of course, they have a preschool program. And the language inclusion is Puyallup.

And in the fourth year, we have four projects. The Red Cliff Band of Lake Superior Chippewa, the language focus is Ojibwe. Alamo Navajo School, of course, the focus is Navajo. STAR School, which I have to say is a real unique program. It's the only Montessori preschool program in Navajo that I know of. And the Rocky Mountain Elementary School has a preschool program that focuses Cherokee. That's in Oklahoma.

MEMBER NEWELL: The average size of the grants for these?

MS. SHAUGHNESSY: Okay, next slide.

The average size is - well - oh, that's the end? Oh, okay. Well, for the Demonstration Grants, the budgets are limited to 300,000 per year. And I would say the average size would be between 250 and 300.

With the Professional Development Grant, the budgets are limited to 400,000 in years one, two and three. And their fourth year which focuses on induction services for their graduates, it's 90,000.

MEMBER NEWELL: Okay.

MS. SHAUGHNESSY: So, for the Demonstration Grants for four years, the most that would be funded would be 1,200,000. So, they can do some pretty significant things with that funding.

MEMBER NEWELL: Thank you.

MS. SHAUGHNESSY: You're welcome, and I'm done.

Questions?

CHAIR ACEVEDO: Questions of Lana?

MEMBER RAY: I'm curious how many applications do you receive, if any, that you don't fund?

MS. SHAUGHNESSY: Good question.

Using last year as an example, we had 125 or six - 126 applications. Those applications come to our office and are screened for eligibility.

Then the ones that are deemed eligible go on to be read and reviewed and scored. And I think there were about, oh, gosh, something like 102 or three that went on to be reviewed.

Good question. And so, we funded 12.

MS. SILVERTHORNE: And then professional development.

MS. SHAUGHNESSY: And in professional development, oh, gosh, I think we had about 75 applications. Maybe not quite that many. And we funded 10.

So, it's fairly competitive, but not like impossible.

MEMBER NEWELL: Are these out-of-school projects or are any within a school district?

MS. SHAUGHNESSY: They're kind of a combination. Like with our Demonstration Grants, sometimes if it's a tribal - and what's coming to my mind right now is Hoopa Valley.

They have a Demonstration Grant and they provide out-of-school activities. Like, they have a tutoring lab, they take their kids on college trips, they do preparation for SAT and things like that. So, it's out of school, but they don't have to be out of school. So, there's kind of a mix.

MEMBER NEWELL: The reason I ask that question, is there any problem with No Child Left Behind and their certifications in terms of the Native language instructors?

Are there ever any problem with the school systems because of that?

MS. SHAUGHNESSY: I'll let Joyce answer.

MS. SILVERTHORNE: The language teachers aren't within that classification of highly-qualified teachers.

The HQT is for the core curriculum. And so, that's your English, your Math, your Science, Social Studies.

And so, we don't see that conflict yet.

MS. SHAUGHNESSY: Right.

MEMBER NEWELL: Okay.

MS. SHAUGHNESSY: If I could just add to that, because I kind of hear where you're coming from now, like in our early childhood projects, for example, like Waadookodaading, they have a grandmother in the classroom every day.

The year I was there, I can't remember her name, but she was voted the Indian educator of the year - or it might have been the Elder of the Year Award for Wisconsin. And, I mean, what a blessing it was for that project to be able to have her as a resource.

At the STAR School on Navajo, I know that Navajo is used in the classroom. And the teachers - it might be the teacher assistants are Navajo.

So, it's kind of a mixed bag in terms of who the language instructor or their language instruction is coming from, but generally always includes tribal members.

We do have a couple of professional development projects that are incorporating Native language.

What immediately comes to mind is Fon du Lac. The Fon du Lac Community College. They are working with a university. I can't remember the name. Jim, do you know who?

But the point of the matter is, those teachers are getting - it's not certified, but proficient in Native language. In Ojibwe, I think it is, by the tribal - by the tribe.

Go ahead.

MS. SILVERTHORNE: The campus offers the academic preparation. And the person is either already fluent or is being certified through their language community.

MS. SHAUGHNESSY: Through the tribe.

MS. SILVERTHORNE: Yes.

MS. SHAUGHNESSY: Right.

CHAIR ACEVEDO: Any other questions for Lana?

(No questions.)

CHAIR ACEVEDO: Thank you very much. Thank you.

MS. SHAUGHNESSY: You're welcome.

MS. SILVERTHORNE: Thank you.

We have another section that relates to our discretionary programs, and that's our professional payback - professional development payback system.

And we are in the last phase of addressing our inspector general findings that came out in 2010, and I'll let Jim tell you more. Jim Barthmaier.

And Jim came to us from Impact Aid and has been absolutely devoted to understanding and processing and researching our records to bring us up to date.

MR. BARTHMAIER: Thanks, Joyce.

I'm going to refer to two handouts. One is my PowerPoint, and the other one is what we call our PD Dashboard.

Over the last year, we've been working very hard to identify participants who have gone through our program but haven't submitted employment verification.

OGC, our attorneys, have determined that our programs like student loans meaning that if they're not paid back at some point, the Government could go after students for repayment.

So taking that into consideration, we wanted to make sure we identified early and got everybody into service payback who had intended to do service payback.

And that has gone very well. And to help us with that endeavor, we created the OIE Payback Dashboard. Here is just a breakout of the statistics for our program, and we do this on a monthly basis.

So, we have a breakout by number of participants, how many have actually completed the program, how many were non-graduates, and also how many are doing service and fiscal payback.

This allows us to track participants as they're recruited, and then also while they're enrolled. And we use this information to try to identify factors that we can actually use to help improve retention.

Okay. On this chart, the Dashboard is for the 2006 to 2011 fiscal year. And this report was written as of December 31st.

We created this for our own internal monitoring, and we've also provided a copy of this to the IG's office.

The IG came in 2010 and did a review and had some findings. We've done all the corrective action plan. We have completed our corrective action plan based on what their findings and recommendations were. And we are now waiting for them to come back.

They have identified our program again for 2013 for a follow-up. And along with following up with us, they are also doing an audit of the four other programs at Department of Ed that have payback requirements.

So, I'm not going to go through -

MS. SILVERTHORNE: The irony of that statement is that we are now the model for looking at those other four programs. That in our hard work at trying to address the findings of the IG for this audit, that now it's becoming an example for how the others might be responding as well.

MR. BARTHMAIER: Yes, as part of this, we've also been looking at retention, dropout rates. And we've gotten some new metrics that allow us to actually capture data on grantee performance as far as the payback is concerned.

And then, we're actually now incorporating that in our decision-making when we award new grants, which is something that just happened this past year.

I'm not going to go through the whole PowerPoint presentation, but I do want to point out that on - that our current process is discussed on Page 3 and 4. And it's a paper-based process where the grantees have to submit participant status to us semiannually in an Excel workbook.

Then, we manually go through and reconcile it. And then, we refer participants either to service or cash payback on that information.

It takes about three or four months. We try to be as accurate as we can, but it's a paper-based system. And then, we have to manually consolidate the data and create metrics that we can use.

What's happening this year is we signed a contract and we're partnering with OSEP, Office of Special Education Programs, and we're now going to be part of their service obligation tracking system.

So, this will be a real-time system where grantees will enter in all the participant information directly on a web-based system. Then, they will - participants will have access and will be able to see the information that's being reported about them. And then, employers will go in and verify participant employment afterwards.

The advantage to this system is it's real-time. It's less burdensome because it's a web-based system. And we'll be able to capture and analyze all the data as it's entered in.

And we're hoping to use this system to identify factors that we can use to help with recruitment and retention.

MEMBER NEWELL: I'm sorry, you said somebody will go in and verify? I missed that word.

MR. BARTHMAIER: Yes. What happens is, the grantee as they recruit participants, will enter that information, create a profile for the participant, and then will put in their training, number of months of training received, and their total allowable training cost.

Then the participant will go in and can monitor their profile. And then once they gain employment, they will put in the employer information.

The employers are notified that they need to verify employment information. So, the employers will actually log in, and then they'll look at the information that the participant has put in. And then they'll verify the accuracy of the information.

MEMBER NEWELL: I see. Thank you.

MR. BARTHMAIER: Sure.

MS. SILVERTHORNE: That's a lot of information in a very short report. That's why you have the more in-depth information that you can take with you. And Jim's contact information is on the last slide and the follow-through.

We are finding a lot of variation between the different institutions and the cost that it takes the students to go through.

We are also finding variations on how much adaptation the institutions are able to make to look at Indian education and where students are going to be placed and the circumstances that they will be addressing in those locations.

We're just beginning to be able to do more in-depth analysis of this information. And we're also trying to look at the placement issues so that the placement can be as broad as we are capable of under statute that will be serving American Indian in education.

Questions?

MEMBER BUTTERFIELD: When I look at your dashboard, for example, going down at the bottom grid there in year 2008 and you follow it across, of the 166 participants, you have 85 under the Fiscal column.

Does that mean 85 are paying back out of their own pocket?

MR. BARTHMAIER: Yes. The way it has worked, one thing in the - you'll want to keep in mind is, within 30 days of graduating, the participant should notify us whether they're doing a fiscal or service payback. And then within six months we should have employment verification.

If they don't provide that information, what happens is, we still allow a little bit more time to elapse. And then we refer them for cash payback.

So, it's 2007. We referred 85 participants for fiscal payback. Now, what happens a lot of times is, they don't take us seriously, but then ARG, our Accounts Receivable Group, will keep sending notices.

And then eventually they'll get a notice that if you don't make payment, we're going to refer you for collections. By that time, then we'll get employment verification.

We're lucky in that any time the participants provides us employment verification, we can actually pull the debt back and switch them from fiscal to service, and that's what we do.

MEMBER BUTTERFIELD: So, but this data is - as of December 31st you still had 85 that were under fiscal payback?

MR. BARTHMAIER: Yes.

MEMBER BUTTERFIELD: So, out of -

MR. BARTHMAIER: They've been referred - we don't know - I couldn't tell you out of that 85 how many are pending and how many are actually in repayment by giving us cash.

MEMBER BUTTERFIELD: Okay. But just looking at the numbers at the bottom column out of the 1,000 plus participants, you've got almost a third of them that are in fiscal payback -

MR. BARTHMAIER: Right.

MEMBER BUTTERFIELD: - status.

MR. BARTHMAIER: And part of that right now is because we're doing such a concerted effort. We're going through and cleaning up some of our older files.

So, everybody who is in some of our older grants are being referred over to accounts receivable, and then they come back.

So, you'll see a big bump in the referrals until we get the employment verification.

MEMBER BUTTERFIELD: Yeah, I mean, I'm not questioning your data collection. I'm just trying to sort of look at what's actually happening to the real people in these programs.

And if you've got almost a third of them that are struggling with service payback, and you and I have had these conversations, that's why we, NACIE, is making a recommendation about the whole notion of payback, just given the real world out there that, you know, our Indian teachers are having to face where there is, you know, difficulty in finding jobs, especially having to relocate.

If they follow the guidelines of the program, you know, many of them are struggling. And then to be placed in a situation where they have to pay that back, I know of young people who don't want to get in the programs because they are so fearful of, you know, being in this double jeopardy situation.

They put the time and effort in, in getting trained, and then they can't get a job.

MR. BARTHMAIER: Yeah, part of that number, though, is poor recruitment because schools should be recruiting students that can complete their program and become teachers.

So, when you look at the fiscal, a lot of them come in, they're in the program for a semester or two, they don't obtain the degree that they were looking for. And then they go out and then they're either in fiscal - some of them can do a service payback because they're still in the schools, but a lot of times it's not in their field that they were going to school for and then they end up going to ARG for cash payback.

MEMBER BUTTERFIELD: So, they're considered the non-graduates?

MR. BARTHMAIER: Yes. So, and that's one of the areas that we're focusing on right now. And that's why we have this dashboard is to identify early indicators of school grants that aren't doing a good job with the recruitment and retentions that we can focus in the first couple of years to try to get that to change.

Because they either drop out within the first semester or two or they look like they go straight through and then they get their degree.

MEMBER BUTTERFIELD: So, is there a requirement of these programs to help place the graduates?

MR. BARTHMAIER: They have induction services, but - so, that's supposed to help them after they've gotten their credentials. But some of them just dump and run, and some of them - some of our grantees are like partners. And one of them is University of North Carolina at Pembroke. They're like our partner and they actually work with the participant even after they leave to make sure they've met all their requirements. They give us the Notice of Intent, they give us employment verification.

We have a whole bunch of them that went through as a cohort group, and at the end of next month we'll be getting employment verifications for most of them, and we'll be able to close out their files.

Others, we give them the money. Once the grant closes out, it's months if I ask questions, any payback-related questions to those grantees.

Once the grant is over, the grantee has no responsibility at this point.

MS. SILVERTHORNE: In conversations with the other payback systems within education, there's a great variation between how those different systems are structured.

There is one that follows for years afterwards, and the grantee does have a responsibility for the student after they've graduated and follow through.

Our statutes do not address that.

MEMBER BUTTERFIELD: What are some of the other payback programs?

MR. BARTHMAIER: The one that we're partnering with was Office of Special Education Programs. And they have been working with their OGC to try to get the grantee more on the hook for what happens after the grant ends.

And I know we've been working with ours as well as to how can we kind of get it so that there's a little more responsibility at the back end of it instead of just at the front end.

The other one is RSA. I don't recall what that stands for, but that's another payback program. Rehabilitative Services Administration, something like that.

MEMBER BUTTERFIELD: Okay.

MEMBER PHELPS: Is there any - well, one quick question.

So, are you saying the ones that are in the fiscal, you can pretty much guarantee a majority of them are the non-graduates?

MR. BARTHMAIER: No. Some of them who graduate haven't submitted to the Department employment verification.

So, in those cases, what we do is we go through and work and look through our records. And within eight to ten months, if we haven't gotten employment verification even if they have completed their degree, we go ahead and refer them for cash payback.

our program says a payback is either service or cash. So, they have to complete one of the two in order for us to close out their file.

So, we're being aggressive in that regard, because they sit around. These debts will sit around and they don't ever expire.

So, rather than have people be surprised later when they get a bill from us or we're starting to capture tax returns and stuff, we're trying to identify it early so that we can get them into a service payback, because actually that's what our program is all about.

We're not a student loan program. We're trying to focus on getting teachers and administrators into the classroom.

MEMBER PHELPS: So, is there anything in the requirements of maybe not having schools pay for students until they're juniors so they can follow them longer, or and the other question I have, is there any consequence to an institution who writes a grant and, because, you know, I write grants. And so you say, there are 65 teacher openings here and we're going to fill 30 of them.

If an institution does not do that, does that keep them from being eligible in the next grant cycle?

MR. BARTHMAIER: We have gotten better at documenting grantees who don't meet their project goals. And that's one of the things that we have been looking at.

Some of them actually recruit a whole bunch of students. Some of them drop off and they're still able to meet their goals, but we don't necessarily think that's a great idea, you know.

We'd like to - because each non-graduate is a broken story, you know. Someone has broken dreams because they wanted to be a teacher or administrator and they got recruited, and then they didn't make it for whatever reason.

Our program is supposed to be focusing on providing the extra help that they need to be successful.

Our new electronic system will be capturing a lot more data that will allow us to analyze some of the factors that are involved in that. And so - and that's going live in July. And we're hoping to capture a bunch of new metrics that we can use to improve retention and then show that more of our participants are completing service payback.

MEMBER PHELPS: So no, it's not held against them. They can apply for another one in four-year cycles and it's all fine?

MR. BARTHMAIER: Yeah. Our current process is when they don't meet their goals, at grant closeout we document the performance that they did achieve.

And then if they compete and they win through the open competitive process, we would take that into consideration, but it would not be an automatic, no, you can't compete.

CHAIR ACEVEDO: Joyce.

MS. SILVERTHORNE: You have the current Open Professional Development RFP that was handed out today and that does provide more of the detail that you're looking for.

And our situation with the Office at this time does allow us to look for high-risk grantees, but it's far more focused on fiscal.

Jill Eichner who is our representative from the Office of General Counsel is in the audience today, too, and has been helping us to try and identify what we can do, what we shouldn't do, and how to guide this forward.

This report is one that was not available as much as a year ago.

MR. BARTHMAIER: Right.

MS. SILVERTHORNE: And so what we're trying to do - and these numbers although this is as of December 31st, remember that we're still playing catch-up. We're still getting accurate data recorded and processed. And we're seeing jumps in numbers that are completed that have been contacted, and suddenly they realize that this is a payback system either fiscal or service.

And we have discovered that they've been working in education all along, and they send in 30 months of employment records for a 15-month commitment.

And so we break it down by months because months turned out to be a more accurate interpretation of the time that they spend. And those months then are paid back based on the months of employment.

MR. BARTHMAIER: In the past, our focus has been on grant administration and awarding PD grants, and there has been not as much focus on payback.

Well, teachers and administrators are program outcomes. And with the electronic system and with these metrics, we're changing our focus from being mostly grants in the IHEs, to participants and teachers and administrators.

And it's a slow process. And some of this data we've only had for less than a year. So, we're still learning as well.

But as Joyce mentioned earlier of the five payback programs, we're the first one that's actually starting to use payback data as a way of going back and evaluating grant and project performance.

So, that's the something that's really - that made us feel really good is because we're the first ones doing it. And people are, like, they're realizing the usefulness of it.

CHAIR ACEVEDO: Any other questions of Jim?

MS. SILVERTHORNE: Not to mention some of the irony of that turned around in process as well.

MR. BARTHMAIER: Thank you.

CHAIR ACEVEDO: Thank you very much, Jim.

Joyce.

MS. SILVERTHORNE: And we're fortunate that Liz Grant wasn't able to come, although we miss her. I think she would have provided some very important information for us that comes from our front office.

And so, hopefully, maybe over the course of the next couple days we'll still be able to address some of that.

We will have on Friday, a representative from the seventh floor. Carmel Martin will be here. And I sent word to her today to let her know that we are looking at the report. And so, hopefully she'll be able to look at the guidance of the report as she prepares her remarks for Friday.

Bernard Garcia is our group leader for the Formula Program. And the Formula Program serves over 1300 grantees across the country.

This is his staff: John Cheech, Paulette Davis, Anabel Toledo - who are we missing?

MR. GARCIA: Kim.

MS. SILVERTHORNE: And Kim running the controls here.

MR. GARCIA: Good afternoon.

MS. SILVERTHORNE: And it was with Bernard's staff that Lennie Pickard had been working. And so, this group of folks are trying to cover a number of grants in his absence now.

MR. GARCIA: Well, thank you, Joyce.

And I'd like to start by also acknowledging the NACIE chair for taking a few minutes this morning to acknowledge and recognize our brother and colleague Lennie Pickard.

In an unfortunate situation, we lost him this - not too long ago. And so, we really miss him in the office because he was a key part of our activities that we do daily, and it really is a void in the office.

However, I'd like to acknowledge our staff again who have been - I think the key thing about our staff is they are very resilient.

They've shown that as a unique character working in the Office of Indian Education, because Joyce mentioned to you as she came into the office, she realized that there is just so many moving parts in all of our programs.

Our formula, our discretionary, our STEP program, all have moving parts. And then our key - part of our office is also our watch in the NACIE activities as well.

So, there's just a lot of moving parts that go on with our programs with the very small staff that we have.

So, again, I'd like to have Anabel, Paulette, Kim, will you all stand up - John, please stand up.

(Applause.)

MR. GARCIA: And also I'd like to add one other staff. Jill, will you please stand up? She's been just back to back with us in all our activities, and she's from our Office of General Counsel.

(Applause.)

CHAIR ACEVEDO: Thank you very much for coming. We appreciate all of the hard work you're doing here at the Office of Indian Education. Thank you, all.

MR. GARCIA: Thank you very much.

And each of the staff do really have a lot of - they wear different hats on all the different parts that we go through in our program activities. So, I just want to make sure that you are aware that we just have a lot of busy time.

And Kim is fairly new. She's been here with us for seven months and hopefully we're going to continue to keep her. She came to us from Yuma, Arizona. So, the cold weather out here is a little bit challenging these days, but she's originally from Michigan, and she's adjusted well to our office. So, please welcome her when you get a chance, to our Indian education.

The other thing that I'd like to highlight is the fact that our Office of Elementary and Secondary Programs, all the programs have gone through - this is the third year where grantees have been asked to provide a survey on customer service. And for the last three years, our Office of Indian

Education, especially the Formula Grant Program, have been the top three projects or top three programs.

We're always getting the high replies from our grantees, and also very satisfactory customer service activity.

And I really have to say that our staff do really do their part in making sure that our customers, those school districts that we fund out there, do get the immediate replies or service or assistance through our program.

So, I think it just shows through an independent survey that's done by a contractor for the Department's Office of Elementary and Secondary Education Programs.

Just want to start off also by letting you know that if there's something that you can write down on your notes for your annual report, this part of the Formula Grant Program is very unique in that these funds go directly to the school district.

Those of you that, I mean, we have the luxury, as educators, we have the luxury of having direct conversation with our superintendents like Deborah Jackson and her staff at the school district and the Indian Parent Committee. No other program, except for Impact Aid Program, has that unique feature.

So, I just have to say that this is a key part of our program, Formula Grant Program, where the money comes right from the federal office directly to where the action takes place. So, money don't veer off to the state departments and then come down to the schools.

And, Robin, now that you're back at the Washington State Office, we do need to continue our conversation together there. So I'm glad that you got the position. Congratulations.

The other one is the key component of our legislation is the Parent Committee - Indian Parent Committee.

Having roundtable conversations with our Indian Parent Committee is a very unique piece of our program because that's direct conversation from the federal office that we have with the parents. And so that's a key component in our legislation.

How can we build that? How can we strengthen that? Please make notes to sort of cite those as areas of recommendations that we could highlight maybe on the annual report or someplace where it really stands out that, you know, that the Indian parents do have a key role here.

We actually had one of the school districts call our office from Oklahoma and said - and this is a superintendent calling and said the Parent Committee is not going to approve the application. So, superintendent gave us some background information and the basis for it.

Of course, like I said, you know, Jill from our General Counsel Office, she's right there with us all the time. So I ran it by her, and her immediate reaction was to say, well, that's good. I'm glad the parents are using their authority.

I think in a constructive way, in a meaningful way, they are using the leverage of the law that gives them - to approve or disapprove the application.

So, really it's not to bump heads with the superintendent, but I think we're looking for what is the satisfaction of this program with the school district. How are the students being served in this program?

So, there's a lot of different parts that are so key - key components in our program.

I just want to highlight maybe three areas where this year we're doing some enhancements and some changes in our program.

One is that we are doing away with the idea of having late applications. From here on, we're going to have to make sure that our grantees are on time, because - you have a copy of the Federal Register Notice, and that Federal Register Notice is used to inform the general public that there are application due dates that have to be adhered to.

So, we are using the opportunity to try to get as many of our grantees to be on time and that we are no longer going to use the late application concept from here on.

MEMBER THOMAS: Bernard, this is Virginia.

What are the data? Are there very many that were turned in late?

MR. GARCIA: Actually, last year we funded - John, was it - funded nine late applications, because we had some money that were returned and we were able to use some of that money to fund those late applications.

MEMBER THOMAS: So, that won't happen anymore?

MR. GARCIA: Because of the way our - we have a contractor that works with our application system. And it's allowing us to go back and distribute all the funds that get returned so that we - those ones that met the time, that met the due date, they're going to have a little bit of an increment. That's the case that's going to be.

So, that's a change, and a positive change, because grantees do ask, what about those of us that are always on time, that are consistently on time? How can, you know, can we get a little bit incentive for being on time?

So, this might be a way -

MEMBER THOMAS: That's like being paid for being right, you know.

MR. GARCIA: So, this might be a way to try to assist our grantees as well. So, that idea of no late applications is going away.

The other key component of this is the budget changes, budget revisions. We are a little bit challenged because the number of applicants that we have that have to do budget revisions.

So, now we establish a threshold where grantees may be if they meet - are within the threshold, they will not need to submit budget revisions.

So, and that's kind of like one of the principles that we're following with other Ed programs here in the Department.

So, the others are Item Number 2, 3, and 4, and 5 have to do with just some of the annual reports that have to be submitted into the electronic system that we have.

We're encouraging our grantees to start using the technology that's available. We get so overloaded when we have Parent Committee approval forms that get faxed into our office, you know, and it's just a matter of now they're going to be able to upload their documents electronically. And so, that's a really big enhancement for our grantees.

So those are three major changes that we're making.

CHAIR ACEVEDO: Bernard, a question.

MR. GARCIA: Yes.

CHAIR ACEVEDO: How did you come up with the \$1,000 threshold up or down for no revision?

MR. GARCIA: That actually was something that we had round-and-round conversations with regard to where is the threshold, how is it going to help our grantees?

And so, there's a - on the backside of the map you can see the distribution of how many grantees are funded in that particular range.

And so, we use this particular data to help us make the determination. And, like I said, we always confer with our budget service and our Office of General Counsel as well. So that way, we have a basis for making that decision in the office.

CHAIR ACEVEDO: Bernard, so it's not statutory or regulatory, it's discretionary. So, that could change in the future -

MR. GARCIA: It could change in the future, right.

CHAIR ACEVEDO: - depending on how you view this.

MR. GARCIA: Right.

CHAIR ACEVEDO: Okay. Thank you.

MEMBER BUTTERFIELD: This is a picky thing. What does E-A-S-I-E stand for?

MR. GARCIA: The Electronic System for Indian Education.

(Off mic speaker.)

MR. GARCIA: Yes. It's the Indian education - electronic application for Indian education, yes. That's the acronym EASIE, yeah. The acronym is EASIE.

So, our grantees know that this is the easy application. So, that's something for you to become familiar with, Robin, as you get back out working with the schools and school districts out in Washington.

(Off mic speaker.)

MR. GARCIA: Right. And then the other item that's on the list is the enhancement that also the Department is doing is instead of mailing out the grant award notifications, they're going to be sent out by email.

So, we're moving a lot of our activities with the electronic format.

MS. SILVERTHORNE: As we have looked at the Formula Program, these have been - the EASIE application system had not had this kind of major additions and changes since its inception. And so, trying to look at how well it matches and how well it serves us.

Last year we had an adjustment in funding. We funded the late applications and had an adjustment to budgets. And all 1302 applicants needed to file according to our front office, needed to file a budget modification, no matter how small the adjustment, no matter how large the adjustment.

And so some of those programs are still not current with their budget modification. We had no teeth. We had no opportunity to do any kind of maintenance of that.

And so, the staff members have been working ever since July of last year in trying to get those budget modifications current.

And so part of this is a regulatory change that allows us to be better monitors of the programs. And by having it all before the grant award notice is made, then we actually have the footing to hold them to any modifications that are done.

MEMBER BUTTERFIELD: It's been brought to my attention and it's no secret that, you know, Dr. David Bolio is kind of leading the charge on this, but he continues to be concerned that our, you know, Indian education grants may be scrutinized for their potential impact on achievement.

And during No Child Left Behind, that kind of in my - this is my language, the pressures under No Child Left Behind sort of corrupted what I thought was some of the original intent of the Act, which was to support the culturally-related academic needs of the students.

And because the funds are so limited in terms of what you can actually provide, there's no way to directly link some of the services to academic gains.

For that reason, there is sort of this fear that the programs could be eliminated, because that direct connection cannot be made in, you know, instances.

Is there, from your understanding, those kind of pressures behind the scenes, especially coming up with reauthorization, is that, you know, something that might - that we should be looking out for because it could jeopardize the program?

MS. SILVERTHORNE: Vigilance is never bad. However, I am not hearing concrete statements about making that more committed to the achievement and/or the achievement assessments.

Yes, achievement assessments are still a part of the EASIE application. And how well our students do is a concern. It's a concern to us for making sure that students graduate, too, but it should not be a part of the end-all goal of Title VII as a supplement program.

A supplementary program, it should not be providing that core academic function of a school. It should be adding the supplementary programs.

And so, yes, there is some challenge in how you weigh those two. Achievement is important, but it should not be the criteria of the program.

MEMBER WHITEFOOT: I'm just curious about these modifications.

Are these grantees then still spending? Are they spending if those modifications haven't been approved?

MS. SILVERTHORNE: Yes.

MR. GARCIA: Yes, they are.

MEMBER WHITEFOOT: Okay. My second question has to do with the application process and the academic achievement and tying that, of course, to the types of services that are offered. And I'm glad you brought up the part about this being a supplementary program.

One of the things that has puzzled me, and you've heard me say this before through NACIE, has to do with the GPRA and that we have no input into that GPRA measure. And it's not even really addressed in the application process.

When you go through EASIE, it's not even stated in there. And so, how can grantees be accountable to OMB if they don't even know what the specific GPRA measures are and, you know, there's this goal to tie it to academic achievement?

So, that's always been a mystery to me.

MR. GARCIA: And that's probably one of the areas that we will be working with as we do more enhancements with our contractor.

We actually are working with our contractor to do enhancements on a year-to-year basis.

And so, I think both points back to Robin's comment, too, those are ongoing conversations that we're having as we move along, because I think it is a critical component.

And of course the legislation has not changed and the - wherever the opportunity for reauthorization time comes, I think that's an area that, you know, would be a good time for us to take a look at those areas where either a need to enhance a little bit more on our electronic application system, or if we use other formats for doing annual performance report where we have to redevelop that particular piece that - in the days when we had paper application, that was part of the other forms that had to be submitted as well.

CHAIR ACEVEDO: Joyce.

MS. SILVERTHORNE: As we're looking at these changes, we're trying to make sure that the grantees are informed about that.

The document that you have that you received today, the Office of Indian Education Formula Grant, and it's on letterhead, that is the draft that it will be sent out to the grantees so that they have some more information and background about those changes as they're moving forward.

The academics that we're talking about are part of a research process for best practices under Title VII.

And we have a contract with Windwalker, Incorporated, and they are being - that is being handled through the - I have the acronym. Now, I don't have the words. PPSS. They work with assessment.

MS. SILVERTHORNE: I'm sorry. I'm really trying to understand these 75 pages of acronyms that I was given when I first got here, but I flunk occasionally.

At any rate, they are helping us to look at some of these questions. And they also are having some of the same questions that you're raising today about how a supplementary program and achievement data and an annual grant, because this is a brand new grant every year to each of these entities. And so, objectives may or may not be the same from one year to the next.

In the best programs, they stay the same at least for some of the areas and can maintain progress, but some of the others, they can change every year.

And we know that we have high turnovers of administrations in Indian country. And with those high turnovers, direction can change within a school.

So, we really are trying to struggle with how we can make this grant program more responsive to the needs of children, more responsive to the needs of parents and communities. And those are difficult tasks.

Many of our administrators were not trained in working in Indian communities. Many of our teachers were not trained in learning styles and in curriculum.

And so, we have a lot of challenges within this one - with this one program and we reach many students across the country.

MR. GARCIA: As far as incorporating Native language and culture into classrooms, we are also having conversation across other federal agencies.

And I know Joyce has been involved in conversation with HHS, ANA. You might want to mention some of the areas that have been addressed there, too.

MS. SILVERTHORNE: There has been a recent Memorandum of Understanding between Health and Human Services, the Administration for Native Americans, Education and Interior in looking at how language and language instruction can be supported.

MEMBER RAY: As a small side note, PPSS, Policy and Program Studies Service.

MR. GARCIA: Thank you.

MEMBER RAY: The internet is a wonderful thing.

MR. GARCIA: We know where they're at on the sixth floor.

(Laughter.)

MR. GARCIA: Mr. Chairman, one point that Jill had sent up to me is to make sure that you are also aware that the threshold that you have asked about, the grantees are still - they must spend the dollars only on those allowable costs that we've approved.

So, yeah, they have to stay within the approved application line items. And we encourage grantees to make sure that they do draw their monies down. And that's one of the key part that our staff also on a quarterly basis monitor the draw-downs within the G5 system, how grantees are pulling money down and making sure that they are expending those dollars.

These are congressionally-approved dollars and we don't want to send that wrong message that the grantees are leaving money in their G5 account. And that's happening on an annual basis and we want to try to avoid that as well.

MEMBER BUTTERFIELD: I did wander through a number of the workshops that your office provided prior to NIEA last year, and they were excellent. I mean, they're very informational and they were really worthwhile.

My question is, how many out of the grantees, go to that?

MR. GARCIA: Last year - we just received a report from our contractor to - there was a little over 350 participants that attended the Oklahoma - and that's a federal Technical Assistant Workshop Day.

And just this week we had our first conversation with our team in the office, plus our other program offices where we're having our conversation for the next federal Technical Assistants Day that's going to be held in Rapid City, South Dakota.

MEMBER BUTTERFIELD: So, that was about 25 percent of your grantees.

MR. GARCIA: Right.

MEMBER BUTTERFIELD: Is there another TA opportunity for the others?

MR. GARCIA: We are -

MS. SILVERTHORNE: There are a number of TA days that are coordinated through the Formula Program. And we have a contract to be able to address some additional.

We have just been able to get clearance within our office to be able to do webinars from our desk. We aren't having to schedule a room and pay for additional technical hardware. And we, with this open door, we hope that we will be able to be more efficient at that as we continue, but it was a challenge.

And that was one of our concerns that even at best if every one of those 300 and some people that were there had been a representative of one of our grantee programs, we didn't even make it a quarter.

MR. GARCIA: And, Robin, for the electronic application system for the Formula Program, the EASIE application, we've had three webinars so far. And we've got three more scheduled that are coming up.

And I think those are also announced to grantees or those applicants that have registered in the EASIE system.

MEMBER THOMAS: I just had a comment.

With all this new technology coming into your department and what's happening, I have to compliment you and your staff that's here, because I send you a lot of calls, you know, emails that come through and you guys always answer back.

Even if it's just a parent from a parent committee that says I have a concern about my Title VII, well, I'm JOM and I don't want to speak on Title VII. And so, I send them off to your staff, and they always come back and say, they answered me, like they're in shock or something.

(Laughter.)

MEMBER THOMAS: So, I have to compliment you that even though you're getting to this new technology with the contractors, you're still at the grassroots with the parents.

MR. GARCIA: Right.

MEMBER THOMAS: I thank you for that.

MR. GARCIA: Thank you very much.

MEMBER WHITEFOOT: I had a question about reconciling the differences of the education data in the application process particularly with test scores and graduation rates. There are differences.

So, who do we go to, to reconcile those differences that we have? You have your portion. We have our portion. And so, there are some differences.

How do we reconcile those differences and which agency do we go to?

MS. SILVERTHORNE: There was a request that came from NCAI just within this past month. And we are trying to coordinate between all of the different entities in Education that address collection of data to understand better what we do collect, and to make sure that we get it back out to the public in a useable manner.

And so, it's a work in progress. And I share your concern. I think we are trying to be better at it, too.

The data depending on when it's collected, what the sources are, the kind of information, you can't compare one test to another test and it really is challenging.

We talk about being data-driven decision-makers, but how to do that is still just a little at the tips of our fingers. We're still working to be better at it.

MEMBER WHITEFOOT: But that information is generated by the Education Department. And if we disagree with it, then who do we speak to within the Education Department? Which program? Which agency?

MR. GARCIA: As far as the data that's collected from the States, those are all collected into the EdFacts database system.

MEMBER WHITEFOOT: Right.

MR. GARCIA: Yeah. And so, applicants have to - our EASIE applicants, Indian Education Formula Grant applicants, have to submit their NCES numbers. And that's how it matches their data up. And so, their applications are pre-loaded from the EdFacts data.

So, whatever your district provides to your state, so it's just kind of like an upward transfer of information of data coming from your district. Whoever your data person is at the school district will collectively submit a report to the State Department.

And then, the State Department will submit the data information to the EdFacts system.

MEMBER WHITEFOOT: Okay.

MR. GARCIA: So, whatever modifications or changes that you need to make or update your information, that has to be probably initiated right there at the school district level.

MEMBER WHITEFOOT: Okay. I've asked our district. They're puzzled too. So, it must be at the State then.

MR. GARCIA: And so, Robin, are you ready to gear up?

(Laughter.)

MR. GARCIA: It's good that we have our state Indian education folks, you know. Like we have in Oklahoma, we have - what is his name? Dwight Pickering. And we used to have Mary Jane out in Idaho. There's just a few more left that are around in the State Department.

So, I'm glad that Robin is back there at the - going to be working with the State Department. And they are - they do play a key part in our conversation with our Formula Grants as well.

MEMBER WHITEFOOT: And so, Bernard, since you've been here one of the longest -

MR. GARCIA: Right.

(Laughter.)

MEMBER WHITEFOOT: I still want to get back to the OMB GPRA measure. Where did that ever - how did that ever come about? Who was engaged in that conversation?

MR. GARCIA: As far as establishing those, I'm going to ask Jill to - if you don't - Jill, if it's okay, I don't want to put you in a spot, but -

MEMBER WHITEFOOT: Thank you. What's your name?

MR. BARTHMAIER: Jim Barthmaier.

MEMBER WHITEFOOT: Which office?

MR. BARTHMAIER: I'm Office of Indian Ed. I work for Joyce.

MEMBER WHITEFOOT: Okay.

MR. BARTHMAIER: What happened was back in the early 2000s, OMB went around and established GPRA measures.

Each of the agencies were given the opportunity to create their own and some were reluctant, or they didn't feel that the programs they were working on actually lend themselves to GPRA measures. So, then OMB then went ahead and imposed them onto the programs.

So, they came through - a lot of them came through OMB and were negotiated as much as possible with department staff.

So, in professional development we have a few that are misleading. And we're capturing data now and we're actually starting to be able to prove that it's misleading. And then at some point we're going to change them.

MR. GARCIA: At the time, some of those that were established, they were probably established during, I'm thinking, Cathy Carruthers' time. And I imagine - and I know Joyce is wanting to visit that along, like I said, with our general counsel as well.

MEMBER WHITEFOOT: That's helpful to know that, you know, some of these GPRA measures may be misleading and that you're forging ahead to help us get that clarified.

And one of the recommendations I have was that NACIE be involved in that dialog with OMB, because we weren't involved with that dialog.

And so, when you're back at the program level and you get these discretionary grants, you also have those questionable GPRA measures there, and then you also have them over in Title VII. So, it's a real puzzle.

You're trying to put your data together that doesn't necessarily match up with those GPRA measures and the language that's used.

MR. BARTHMAIER: For PD, we have two, which is the cost of an administrator and the cost of a teacher. And it's misleading, because we don't fully fund those education degrees.

MEMBER WHITEFOOT: Yeah, right.

MR. BARTHMAIER: So, when you look at it, it looks like we're either overpaying or we're underpaying, and it doesn't take into a lot of other factors like that we're providing extra services to make sure that the participants are successful, and that does take money.

So, when you look at it strictly from the money point of it, it's very misleading. So, those are the two that I'm aware of.

MEMBER WHITEFOOT: Wonderful. So, that should be on the agenda for our next meeting so we don't have to keep asking these questions over and over about GPRA.

Oh, you've got to make sure it's on the agenda.

(Laughter.)

MEMBER WHITEFOOT: So, I will quit asking the question.

CHAIR ACEVEDO: We have run long. Joyce, do you have anything? We need to go into public comment period here any minute.

MR. GARCIA: Thank you very much.

CHAIR ACEVEDO: Thank you, Bernard.

MEMBER WHITEFOOT: What was PPSS? Did you get that clarified? PPSS?

MS. SILVERTHORNE: Policy Program Study Services. And thank you, Dr. Ray.

We did have other information that we would like to share and that is on the STEP programs. And that's not one to just touch and run.

So, what I would like to do is to offer some handouts to you. We have copies of the abstracts and of the preliminary agreements, and then request some opportunity to cover that with you at a later time.

CHAIR ACEVEDO: Thank you. We'll do the public comment period. If there are not that many commenters, then we can come back to you today, if that's acceptable to the rest of the Council.

All right. With that, we're open for the public comment period. Anyone who would like to come forward and address the Council?

MS. ENGLISH: Good afternoon and thank you for the opportunity to speak today. My name is Kristen English, and I serve as the chief operating officer of Cook Inlet Tribal Council, Incorporated, or CITC.

CITC has been providing education services in the Anchorage, Alaska area for over 20 years.

In the last ten years, funds through the Department of Education have allowed CITC to create growing graduate pipelines within the Anchorage School District in a unique partnership that has led to student success.

In contrast, our school system are failing all of our students, and our boys at twice the rate of our girls, but it is failing the Alaska native students the most.

The state of Alaska has borne responsibility for educating Alaska native students for 25 years. Educational outcomes for Native American/Alaska native students in Alaska and across the country are well behind those of their non-native classmates.

The achievement gap is of particular concern in Alaska, and it is this gap that the Alaska Native Education Equity Act, or often called ANEP, Public Law-110 Title VII Part C, was passed to address.

And in particular, ANEP is there to address the high dropout and low graduation rates of Alaska native students.

The Alaska Native Education Equity Act was first passed in order to meet the unique educational needs of Alaska, to develop supplemental education programs to benefit Alaska natives, to supplement the existing programs in the area of education, and to provide direction and guidance to appropriate federal, state and local agencies to focus resources.

ANEP funding is very important to Alaska, because Alaska receives no funding to the BIE. And the State's universities and school districts do not have successful track records on educating our children.

ANEP provides three ways to meet our students' needs. One, to focus attention on the educational needs of Alaska native students; two, invest in the creation and operation of supplemental education programs, and; three, maximize participation of Alaska native people in the planning and management of Alaska native education programs.

The legislation that authorized ANEP prioritized funding Alaska native regional non-profits or consortia that include at least one Alaska native regional non-profit.

For those who aren't aware, the, I guess, tribal situation in Alaska - is this interfering? Sorry. Is quite different than that in the lower 48.

We only have one actual reservation in Alaska. Although, we have over 200 federally-recognized tribes.

It is our for-profit corporations that have tribal authority which can then be delegated to tribal non-profits such as CITC.

So, oftentimes RFPs or grant opportunities are put out there with eligibility requirements that do not fully meet the needs of Alaska.

With ANEP in particular, Alaska native organizations should be the lead eligible grantees and contractors for ANEP funding. And LEAs, SEAs, universities and non-native organizations should be required to apply as secondary grantees and contractors in consortia with Alaska native organizations.

A review has been done on the history of the awards and it has not been the case that the majority of the awards have gone to Alaska native organizations.

I'm trying to make this quick here. We are asking the Department's help to implement the statutory requirement that local and state education agencies apply in consortia with native organizations and arrange for ongoing advice from and consultation with representatives of the Alaska native community.

After ten years, it's time to let Alaska native organizations show what they can do. And after ten years, Alaska native organizations have proven outcomes and school districts and the universities continue to produce poor results. Thank you.

CHAIR ACEVEDO: Thank you very much. Questions?

MEMBER THOMAS: I do have a question here.

Is there still an education component to AFN?

MS. ENGLISH: No, there is not.

MEMBER THOMAS: There isn't?

MS. ENGLISH: No.

MEMBER THOMAS: Oh, because there used to be and they were kind of the forerunners to organize.

Is there still a statewide education group?

MS. ENGLISH: There is a -

MEMBER THOMAS: It used to be Alaska Native Education Council.

MS. ENGLISH: There is nothing formal, to my knowledge. There is an Alaskan kind of informal caucus group that informs the National Indian Education Association, which I believe we have one board member on.

AFN, the history I'm a little foggy on, but they did set up the First Alaskans Institute. But that is more - has become more of a policy organization and is less focused on education than the intent might have been at the beginning.

MEMBER THOMAS: Do you see the problem with Alaska as they're not informed of the availability of this, or just not trained to put together the application process?

Where do you see the lacking part?

MS. ENGLISH: I think that there have been too many non-native organizations applying for competitive grants and scrutiny has not been paid. There hasn't been enough attention paid to whether or not they truly have a partner with the tribal organization.

So, sometimes they have a paper, Memorandum of Agreement, but when put in practice the tribal organization is not really very involved.

I can't speak to all of the - CITC, we're a fairly large organization. And so, we have a true grant-writing department.

I'm sure that it is a struggle for smaller tribal organizations to compete on a grant-writing basis with some of the larger institutions.

The University of Alaska-Anchorage has been one of the largest recipients of ANEP grants. Which CITC's position is that was certainly not the intent of the monies and the Alaska native enrollment at the university does not justify it.

MEMBER AREVGAQ JOHN: Yes, this is Theresa.

Just to add on to NEA, we do have Barbara Angaiak that represents the statewide NEA organization. She travels all over the state.

She's originally based out of Bethel, married to John Angaiak, but now she's, I believe, has the statewide office in Anchorage.

And Alaska is so huge there's 12 native corporations, like she says, that have non-profit organizations. At the higher education level, we have worked with non-profit organizations in northwest and southwest Alaska where University of Alaska-Fairbanks has acquired a grant to increase Alaska native educators that are in linguistic programs, as well as professional development in working with local non-profit organizations. So, it's different story in different regions of the State.

As we all know, the state is very huge. CITC represents south central part of Alaska that have diverse constituents from all over Alaska. And so, different stories for different parts of the State.

The Alaska Native Language Center Program that I partner with ABCP and Northwest are non-profit organizations, as well as local school district.

So, just to give you a different window of narrative from the State, yes, some regions have a harder time understanding the framework of the application process, the language of the application process, as well as getting agreement from non-profit agencies.

Some are reluctant to apply. AFN is still in partnership with cross-culture studies, indigenous studies program. There's the dialog and collaborative effort with Alaska Federation of Natives.

Kristen mentioned that their education agency is First Alaskans. And so, that dialog is still open. So, with the work with AFN staff and faculty and administration from the University of Alaska perspective, just to give you another angle on that.

MS. ENGLISH: And I should mention that although AFN, they do not have a lot of staff, so they don't have a formal, say, education department, they are very supportive of efforts that are brought to the conference.

We recently had support with an AFN resolution that addressed specifically this ANEP issue. And AFN was very influential in getting the resolution in front of our congressional aides.

And so, they are completely supportive, but they don't have a formal education staff, is what I intended.

And as far as the universities go, my perspective is from the University of Alaska-Anchorage, which does run fairly autonomously from the University of Alaska-Fairbanks. So, I do not know as much about that one. It sounds like the partnerships work better there.

MEMBER THOMAS: I have one more question here.

This resolution that came out of AFN, is there a way that we could get a copy of this, you know, to advocate for you? Because that's exactly what we were talking about this morning that we need to be more involved in something like this.

And if this is coming from AFN, which represents the whole of Alaska, you know, we would really appreciate a copy of this resolution that they're supporting.

MS. ENGLISH: Absolutely. I can get you a copy of that. I'll need to get the right email address from somewhere, but I will definitely get a copy of that.

MEMBER WHITEFOOT: And I was going to request a copy of your testimony as well for the Board.

MS. ENGLISH: Okay. It's longer than my words, but I'll send you the whole testimony.

CHAIR ACEVEDO: Kristen, thanks very much.

Next presenter, sir.

(Pause.)

CHAIR ACEVEDO: If there are no other presenters, we will close the comment period.

Okay. We will close the public comment period. Take a 15 - oh, sorry. Thank you. Come forward, please.

MR. BOWERS: Hello, everyone. I'm Clint Bowers. I started NIEA in December doing legislative work. So, I stopped in this afternoon and Robin thought I should introduce myself, and I agree with that.

And I'm basically covering advocacy and legislative matters especially while Anawake is on maternity leave, which basically started last week. She's got a beautiful little girl.

But my email address -

MEMBER NEWELL: Are you part of the comment period?

MR. BOWERS: What?

CHAIR ACEVEDO: We're still in comment period.

MEMBER NEWELL: Are you part of the comment period?

CHAIR ACEVEDO: Wayne, we are still in comment period. We have Clint Bowers.

MEMBER NEWELL: Okay. Sorry, I missed that.

CHAIR ACEVEDO: That's all right. I'm not sure we're picking him up on the microphone.

MEMBER NEWELL: I heard something about it, but I wanted to clarify it.

CHAIR ACEVEDO: Thank you.

MEMBER NEWELL: Okay.

MR. BOWERS: Okay, is this better? Can you hear me on the phone?

Okay. So, my email address is cbowers@niea if anybody ever needs any help with legislative or advocacy matters, or anything else I can direct it to the appropriate person.

I also think this is a good time to say we have a Legislative Summit coming up at the end of the month. The 25th and 26th. So, looking forward to having a good turnout. And I guess that's it for now, unless anybody has any questions.

MEMBER BUTTERFIELD: Yeah, I didn't mean to put Clint on the spot. I mean, he is a new

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CHAIR ACEVEDO: Not true at all.

(Laughter.)

MEMBER BUTTERFIELD: But I did want you to connect a name and a face. And we had a discussion this morning which you weren't here for, that dealt with our NACIE report that goes to Congress, and a lot of concerns on the part of NACIE that that information is never responded to.

And so, we were suggesting - I'm suggesting that the NACIE report be put in the NIEA packet of participants at the Leg Summit. And we try our best to collaborate between NACIE and NIEA to get that information.

It's all recommendations that deal with legislation and we just feel like we're not being heard or responded to.

MR. BOWERS: I'd definitely be happy to - I'm basically putting the whole thing together. So, I can do that. Won't be an issue. Thanks, Robin.

Anybody else?

MEMBER WHITEFOOT: Yes. Congratulations to you in your new role.

MR. BOWERS: Thanks.

MEMBER WHITEFOOT: My name is Patricia Whitefoot. I'm from the Yakima nation in Washington state.

I just want to say that also we have an intertribal organization which is the Affiliated Tribes of Northwest Indians, where we forward many of our position statements and resolutions to NIEA, as well as the National Congress of American Indians, the federal government, members of Congress. And so, you'll be hearing from us.

MR. BOWERS: I look forward to it.

MEMBER WHITEFOOT: Okay.

MR. BOWERS: Keeps me busy. Keeps me out of trouble.

MEMBER WHITEFOOT: Okay.

MR. BOWERS: Anybody else?

MEMBER BUTTERFIELD: Just one more.

In terms of collaboration, I think, Clint, it would help the NACIE Board to receive the summary of the Native Class Act recommendations that are our attempt to put ideas out there in a proactive way around reauthorization of the ESEA.

So, the Native Class Act Patsy worked on, along with me and several other board members. And it had involvement from USET, NCAI and NIEA and it still needs tweaking and input.

So, we've tried to summarize it in a position paper. I think just the position paper with the overview would be helpful initially.

MR. BOWERS: Yeah, we've got the position paper. It's got priorities such as language revitalization, access to data, strengthening tribal education departments or agencies, and also funding parity with other grants and programs that - so tribes can access.

We've actually had some initial discussion on the Hill regarding the ESEA reauthorization both on the Senate side and House side.

Actually, today we met with Chairman Kline's staffers and workforce committee. And last week or I think the week before, we've met with Senator Harkin, Franken - they're running together. I have to go back and look at my calendar, but education is going to be a priority.

It's looking like right now that it's going to be - Congress didn't change too much between the two, between the 112th and 113th.

So, we're optimistic, but it's hard to be too optimistic. It's been a lot of years of stagnation.

So, and of course the waiver processes that have been put out there because of lack of that reauthorization, but talks are good. There's a lot of new staff. We're orienting every - all the new staffs on our priorities and getting our policy papers out there.

Looking forward to the Legislative Senate so we can get our membership to have meetings with the staffers and congressional members as well.

Right now they seem to be focused on sequestration, budget priorities. So, there's a lot of talks on that avenue.

In regards, we're also developing a policy paper looking to work with Ed and Joyce trying to get some data dissemination so we can get some concrete examples for - we'd like to see a national scope for - I know as you mentioned earlier, Title VII as a supplemental program getting the achievement rates, it's not always - doesn't always correlate, but Congress is really looking especially on the House side, for some concrete examples of student achievement rate increases.

And we want to make sure that Title VII isn't seen as duplicative. And so that it won't be all down into Title I where resources can be allocated to other subgroups.

Native students are in a different category. We have a trust responsibility with the United States and we need Title VII.

So, we look forward to having that policy paper out in March. We'd like to have that pretty early so - before too many negotiations regarding the ESEA are out there, we can get a pretty good imprint on some of the staff.

So, look forward to working with Ed and you all in getting that data so maybe we can get some good - because right now we have anecdotal - we've got a good anecdotal paper that was released in conjunction with NIEA and Harvard that shows state-by-state comparisons for student achievement in Title VII, but we would like to see some national numbers.

I don't know if we're going to have enough time to do that, because March is a pretty ambitious timeline, but at least maybe a couple of regions.

So, that's one step we're taking right now. So, look forward to working with everybody.

Anybody else have any questions?

MEMBER WHITEFOOT: I just have a quick question.

How do you spell your last name?

MR. BOWERS: Bowers. That's B as in boy, O-W-E-R-S.

MEMBER WHITEFOOT: Okay. And then just a quick comment on, you know, some of this data that we're talking about.

I think anything that we can all do collectively to address the work that goes on with NCES and assessment would help all of us.

And I've brought this up previously with NACIE and it's an issue that comes across our desk with the Title VII data as well, but NCES exists. However, there really isn't a Native engagement.

We did this past year send an individual just to find out about that training. And from the report that we got back, the individual just report there weren't any Native people there in looking at this data.

It goes back to the point that the lady from Alaska brought up. And we sent a lady who's been working with us as a researcher with our Prevention Coalition just to examine what's going on.

And so, that's, you know, it's - we're looking for, I guess, control, tribal control over this type of data and how this data is being used and used nationally about Native students.

And so, I think we need that. It's our responsibility to get a handle on that NCES data. So, any support that NIEA could provide, I would appreciate it.

MR. BOWERS: Data, data, data. That's what we're all working for.

So, does anybody else have any questions?

VICE CHAIR JACKSON-DENNISON: Thank you and welcome to NIEA. And I just - you mentioned the sequestration and last time we met you weren't here, but we had some presentations from the Impact Aid community. And as you know, probably, the Impact Aid funds are included in the sequester.

And right now I'm just wondering if NIEA is continuing to carry the message that it's really going to impact hard. In fact, my very district is being hit right now.

As I speak, we're looking to do a reduction in force and just wondered what the involvement is in connecting to here in Washington understanding how serious it is and how - even though they keep saying the continued resolution, we're still - our timelines are in place. We have to plan now for next school year, and we're having to do a reduction in force and all these things that are going on in our districts locally that are heavily impacted with having to fund our schools through Impact Aid.

MR. BOWERS: That's definitely one of our priorities. I actually have another policy paper that we've drafted and completed, which will be in the packet with our Leg Summit.

We've also been putting that out and including sequestration in all of our talks. We feel that Native programs should be held harmless.

Impact Aid, I have talked with NAFIS and it's looking like because of the two-month postponement of sequestration, it was originally, I think, \$106 million cut when it was going to be 8.2 percent across-the-board cuts to Impact Aid. But it's looking like from what they have said, it's going to be 86 to 90 million. Roughly somewhere between a five percent to six percent cut across the board, which is still horrible.

Because of Impact Aid, it would be impacted in March when sequestration happened whereas some of the other cuts, you know, wouldn't start until the next school year which we can give school systems adequate time to prepare, or at least some time to prepare, but Impact Aid not so.

So, we've got a paper. And everybody we talk to, we let them know that that's one of our biggest priorities.

Everything I've read recently, it's not looking too promising for them kicking the can down the road again. I don't know. That's just my opinion. So, we'll see what happens.

I know the continuing resolution expires near the end of March and they're pretty preoccupied with that, but - I think March 27th, but we'll see what happens.

It's anybody's guess. I think the lawmakers are kind of in the same position. They're just trying to figure out what to do as well.

But that's definitely one of our priorities and we've got the paperwork and everything for it and we distribute it everywhere we go.

CHAIR ACEVEDO: Any other questions?

(No questions.)

CHAIR ACEVEDO: Thank you, Clint, very much. We look forward to working with you.

MR. BOWERS: Great to meet you.

CHAIR ACEVEDO: Thank you much.

Do we have any other presenters?

PARTICIPANT: For the public who is online if you'd like to make a comment, we will unmute you and you are free and able to do so.

(No response.)

CHAIR ACEVEDO: Hearing none, we'll go ahead and close the comment period and take a 15-minute adjournment.

(Whereupon, the above-entitled matter went off the record at 3:00 p.m. and resumed at 3:25 p.m.)

CHAIR ACEVEDO: Let's pick up where we left off with Joyce before we did our public hearing.

So, Joyce, you have the floor.

MEMBER NEWELL: This is Wayne, and I'm back in.

CHAIR ACEVEDO: Thank you, Wayne.

MS. SILVERTHORNE: Thank you.

The State Tribal Education Partnership is a pilot project. In 2012, we received at the time that the budget was finalized, we received an appropriation of \$2 million to create a pilot project.

That pilot project needed to be funded by September 30th. And so, the development of the - of requirements, the notice of inviting applications, we did an application of waiver to forego rulemaking for this first year for the pilot, and we developed frequently asked questions documents and conducted a competition with a peer review and selected four grantees.

The four grantees, you have a copy of their abstract. And you have a copy of their preliminary agreement.

The primary tool for looking at awarding the grants and for evaluating the first year's progress is that agreement with those state education agencies.

So, Robin, as you were talking about do we have any work with the State education agencies, this is probably our most productive role with them.

We have the four; the Umatilla tribe in Oregon, Nez Perce tribe in Idaho, Navajo, and they selected New Mexico to partner with, and the Chickasaw Nation is a consortia with the Cheyenne-Arapaho in Oklahoma.

And so, those four groups have submitted their preliminary application with their State agency. Each of them has selected different tasks, federally-provided, State-governed programs and schools.

And so, we don't want to read them, but I know that all of you have had information about the STEP pilot and maybe the best thing to do is to try and address questions or concerns that you have about the process to date.

MEMBER BUTTERFIELD: Maybe it would just be helpful to know so what happens now? These are the ones that have been awarded, correct?

MS. SILVERTHORNE: Yes.

MEMBER BUTTERFIELD: So, how long do they have to work on whatever they proposed, and then what happens?

MS. SILVERTHORNE: Okay. These are three-year grants that were awarded. They were awarded and funded at the end of September. And so, they have this full year of activity that they are doing in creating a final agreement with their State education agency.

And that final agreement will better define what they are going to be able to do. And they will be identifying local education agencies within reservations that they'll be able to work with.

And so, for each of them they - and they vary a great deal. The Umatilla Tribe has a designated school district. And they have one district and they will be in contact already. They're in the agreement. They have regular meetings with their State education agency.

And then we have the Navajo that has potential of some 27 different districts. And they are still working with their State education agency to define how that will work.

And we have the Chickasaw where we have two different tribes with New Mexico. So, their tribal office is actually located in Arizona, but the agreement that they negotiated was with New Mexico.

And so, we had a little glitch at the beginning, because the award process for how we let the congressional offices know that there has been a grant made goes out to the address of residence. And so, Arizona officials were notified that they had an award.

And so, some of our misunderstandings came from that and people were concerned about how did that happen. And this was negotiated by the tribe and the State.

And so, by June 30th of next year - this year. I'm sorry. June 2013, they are to have a final agreement in place.

All of them are involved in negotiations with their State education agencies and looking at the kind of programs that they will impact.

Not all federal programs go through the State education agency. You heard this morning the opportunities that we have under Title VII, because we go directly to the local education agency.

And that's one of the reasons that Title VII and Impact Aid are not part of these negotiated activities.

MEMBER PHELPS: So, are the funding levels the same for all four?

MS. SILVERTHORNE: No.

MEMBER PHELPS: Oh.

MS. SILVERTHORNE: They were able to apply for up to 450,000 for a single tribe with a state education agency. And the consortium, up to 750.

And so, then, depending on their budget that they submitted, allowable costs, there were adjustments to some of those. And so, no, they are something under those amounts. We have only one consortium, and the other single tribes with the State.

So, if they are successful in doing their final agreements this year, then they will be able to go forward and do a continuation for next year.

We do not anticipate that there will be new competitions this year. And before there can be a new competition, we'll have to do negotiated rulemaking for that to be allowable.

Jenelle, did you have anything you'd like to add to that?

MS. LEONARD: No, I think you addressed it. I was listening to you. I was, I promise, but, no, I think not. I think not, no.

MS. SILVERTHORNE: Over the course of the next couple days if you have looked at some of these and have some questions about them, then I'm sure we can talk about some of the more specifics.

Every one of them is changing from what those original agreements looked like. Those truly were less than 45 days to negotiate an agreement with a state education agency.

And for some, it required a Board of Public Education passage. And for others, they were able to make agreements with the Agency. And so, it varied from one place to the next.

There's a lot of variation in the kind of political structure of state education agencies. And so, we're kind of on the fringe of understanding that.

There's a lot of work that's going forward with this. We're trying to make sure that communication continues. We are doing monthly calls with the grantee and just conversation, update on the progress, are there any barriers that they're running into, how is the staffing working, are they doing their draw-downs? Just kind of basic questions that we're touching on each month, and that seems to be helping.

There seems to be some good discussion. We're always at the end of an hour still wanting to talk some more. So, I guess that's a good indicator.

We've had some requests for additional people to join. At this point, we haven't said yes, because it really needs to be for these four grantees and their state agencies to be able to work through the things that will make them work for this - for each of those grants.

Virginia?

MEMBER THOMAS: You have it down pat.

MS. SILVERTHORNE: I wanted to be sure that you had some information about what the progress was and that you had the opportunity to take a look at what those STEP grants look like. They vary a lot from one to the next. You'll see a lot of variation.

The sharing of data, and that's been a topic this morning, the sharing of data is certainly an issue and we have shared with them how a tribal entity can become a FERPA-qualified partner with the State. And so, there's been some work towards that.

Navajo has created a FERPA agreement with their state. Oklahoma had a demonstration at last year's TEDNA meeting at the NIEA where they shared with the group how they were doing an agreement with the tribes to share state data on American Indian students in the State.

So, that is part of this agreement for that particular grantee.

MEMBER PHELPS: Does the Department of Ed have examples of those that they can share?

MS. SILVERTHORNE: No. The information that was shared at TEDNA last year was actually - I was an accidental observer. I was - it was during TA Day and I dropped in for a "hi, how are you," and Office of Indian Ed update. And while I was there, I got to hear the presentation.

And then when the grantee came forward, they were using that same format. So, it was nice to have been able to hear the presentation and to know what was being talked about with the grantee, but, no, it's not a Department of Ed process. It is a state process.

MEMBER PHELPS: Do you have contacts where we can ask, because our tribes have been asking how to do that with the states and our tribal state isn't as far along as other places at this point.

MS. SILVERTHORNE: I would recommend contacting TEDNA. They were the people that called that together. And they could tell you the names of the people to contact for it.

It was a nice presentation. It was a good presentation. We are not directly involved in it from our office.

It's been a challenge for many people trying to be able to share information. And some of our presentations at NIEA last year were to address how do we look at those federal regulations, FERPA, EDGAR and CFR regulations, and how do we address that with our grantees?

And so with that, we had some opportunity to share some information with our participants. And that was not only valuable - and I'm going to put Jill on the spot. My gosh. She walked in just at the right time.

Jill, we are doing an update on STEP. And one of the questions was on the FERPA and being able to understand how to share information on state data.

Sorry to catch you while walking in the door.

MS. EICHNER: Yes, I think that the Department has been making several efforts in several different ways to kind of put the word out that there are a variety of ways that tribes in particular could access data from school districts.

And one of them is with parent consent, of course. Another one is by being an authorized representative of a state or local government, which would include a school district.

And the new FERPA regulations that came out several months ago give the detailed information on the authorized representative status for any entity. It's not just for tribal entities.

And there's a link to those regulations on the Ed website, but Joyce could provide them more specifically if you wanted more specific information for that process.

It includes an agreement that you have to sign to be an authorized representative. And the purpose of being an authorized representative would be to audit or evaluate a federal program.

So, with the STEP program, for example, since the TEA already has the agreement with the State to be working on a specific federal program whether it's Title I or whatever program they've agreed to work on together, then that fits really well within that framework.

And then the third --

MEMBER PHELPS: Can I ask a question?

MS. EICHNER: Yes.

MEMBER PHELPS: Do you know was there any discussion or concerns related to kind of sovereignty and jurisdictional issues between tribes and states that came up or how they were resolved, or did the RFP of the STEP kind of take into consideration those issues before it was issued?

MS. EICHNER: You're not talking about limited to FERPA, but to broader jurisdictional issues?

MEMBER PHELPS: Yes. I think the FERPA one would fall under that, but I'm talking about in a broader sense.

MS. EICHNER: I believe that there were some discussions and comments and in the process of some of the webinars that Joyce had with potential applicants, some of those issues came up.

And because this is a pilot program, it's one of those things where there is no prior history or prior experience with this.

And so, a lot of learning as we go is going to happen from all parties, yeah.

MEMBER BUTTERFIELD: So, my question is, then, what is the role of your office, Joyce, in documenting these kinds of issues so that they can be shared more broadly as a pilot, coming out of the pilots?

MS. SILVERTHORNE: We're swimming upstream. We're really trying to - this came out of the blue at us last year. And it couldn't have come at a worse time. Brand new director. No experience on granting and I was still trying to learn how we do the grants that we were already doing. And here, we had a new grant to develop and work with.

We had a team of personnel from Ed. We had a whole floor of people who were coming together on a regular basis to try and help us determine how this would look.

And we had - we really began at the very basics. Was this a grant? Was this - how does this work? What is our mechanism to work with tribes?

We didn't have that in place prior to this. We really have been learning as we go. And so, all of this, we have incredibly thick grant folders and folders on the process that we have been following.

I think one of our great tasks is to have an individual within the office who can devote more time to really making a lot of sense of that.

We have it assigned dually to Lana Shaughnessy and I. And Lana takes care of the technical aspects of it. And I'm trying to take care of some of the more departmental and more of the, literally, the political side of it.

MEMBER BUTTERFIELD: You also mentioned the comp centers.

MS. SILVERTHORNE: The comp centers is - we have national activity funds that come into the Office of Indian Education - to the Department of Education for Indian Education. And some of those funds have been identified to fund the comp center work with Indian tribes.

Last year you met about the comp centers and you looked at how could we do this, and identified comp centers that would be eligible to apply.

And lo and behold, we're fortunate that those comp centers are the same geographic areas that we have our four funded STEP grants in.

So, it has become part of that conversation over the time since they have been awarded in October. And so, they're interested in how they can assist as well.

They are funded to be assistance to the State education agencies. And so, that's still a little fuzzy how that will finally look, but it is developing.

And they all had activities they were doing even before they were funded that worked with Indian education. And so, those now are being enhanced by some additional funds and the additional topic of the STEP grants.

MS. LEONARD: And tomorrow morning on the agenda from - I think your agenda is wrong. We're going to make some corrections.

But on Day 2 from - I'm thinking it's 9:00 to 9:30. It says on your agenda maybe 8:15 to - well, no, 9:00 to 9:30 Fran Walter.

Oh, 9:30 to 10:00, okay. 9:30 to 10:00. So, Fran Walter is going to go into great detail in terms of what the status is of those comp centers that have received funding to provide technical assistance in Indian Ed.

And she's also going to tell you where they are, what activities have been proposed.

But the thing that I would like to say to you in advance is to think about and have your questions ready for her. So, give some thought to what it is your concerns are.

I know, Patsy, you have some. So, I know your questions are already written, because I have copies of them.

But to the other council members because Fran will be here tomorrow, she is the person who is coordinating the comp centers, she's the person who sat on - I think they've had maybe one or two calls already with Joyce. And I know Bill was supposed to be on that call.

So, the results of the call, the details of what they've discussed, she'll be prepared to share that with you, but have your questions ready for her tomorrow.

And so, you can see how the two come together and how the technical assistance will be provided, but understand that the technical assistance dollars were not put there merely to support the STEP grant, but it's broader than that.

So, I'm going to ask you to think broader than the STEP program when you're preparing your questions, because you were so vocal in Oregon last year about what it was you wanted to see provided through these comp centers, by these comp centers. You made a decision that you would support that.

So, once again it's about holding us accountable. Okay. So, give thought to it.

MS. SILVERTHORNE: The question on sovereignty, could you give us a little bit more information about how - what your question is referring to?

MEMBER PHELPS: Well, if a state and a tribe are entering into an agreement, and most agreement if there is a dispute, you know, the State obviously is going to want it to fall on their jurisdictional side, and the tribes are going to want it to fall on their tribal court side.

In South Dakota, these are very tenuous things. And so, you know, tribes are very reluctant to do anything with the State, and vice-versa.

So, in some respects my question was, was there any insight into how there can be kind of a neutral thing with this RFP versus, you know, putting two entities, a state and a tribe, in a position where, you know, they're just going to fight over who has jurisdiction. Because in our state, tribes absolutely will not yield to the State at all.

And so, it sometimes creates a conflict when you're trying to work through things like this in the middle, because they'll never get past who's in charge of the jurisdictional issues.

MS. EICHNER: Well, I guess, you know, to the extent that these issues come up with the actual STEP grantees, you know, we would hope that they would be raised here to Joyce's office so that then we can see whether there could be some federal advice and assistance given.

And as Jenelle was saying, you know, you'll hear more about these comp centers which also may be of assistance to the SEAs. But if we don't know about the conflicts, it's hard to, you know, be of help.

But, you know, when -

MEMBER PHELPS: I was just going to say you don't know about the conflict between -

MS. EICHNER: No, no. No, I'm talking about specifics. When you get down to the specifics of this TEA will go into this school on this reservation and will be offering these services that maybe were prior SEA-type roles, that's a really specific thing that you may be talking about a question of the geographic jurisdiction of that school on the reservation versus a really more bigger picture question of jurisdiction of just which law controls if there's a dispute over this contract, which may never occur.

So, that's what I meant by specifics.

MEMBER PHELPS: But if it's on a reservation, a tribe's perspective is even though - well, we have a lot of them. There's state public schools on reservations -

MS. EICHNER: Right.

MEMBER PHELPS: - that are governed by state policy of which tribes have little or no influence in. Because we have tribal schools and tribal BIE schools -

MS. EICHNER: Right. And they're not -

MEMBER PHELPS: - which are different.

MS. EICHNER: Right.

MEMBER PHELPS: Well, from the tribe's perspective, they say they're all our kids. So, we should have some say. But when it comes to the State public schools, there's very specific issues around jurisdiction.

So, my question was, is in the cases of states like South Dakota where you have, you know, tribes, nine of them, and all of them have, except for one, state public schools operating within their geographic boundaries -

MS. EICHNER: Right.

MEMBER PHELPS: - but following state processes, you know, the tribes are just not involved like they could be, because there's no resolution of who has jurisdiction. So, it just sits out there.

Here's a specific instance. The tribe on - the Oglala Sioux tribe has a two percent right-to-work fee that they charge every school that funds the Tribal Education Department.

The State public schools refuse to pay it even though they're on the border - on the reservation. And the tribe has the ability to assert their taxing authority as a sovereign, but the State public schools refuse to pay it.

MS. EICHNER: One of the goals of this - it's a good example, but - so, you know, I think in passing this legislation, this was one of Congress' goals to get those parties to talk together and to work together. It has to involve that local school district.

It can't be just the SEA and the tribe, right? So, Joyce likes to draw this triangle, the federal, state and tribal. It's difficult. And local, too. That would be a square, wouldn't it?

MS. SILVERTHORNE: I think there are so many issues of sovereignty that are not addressed already that this grant, and this is just a finite area that we're working with, can't address all of those issues, but it certainly can bring to the table the discussion of them. And I think that's probably been a productive part of this.

It is an education for us at Education Department to be working in a different capacity with tribes. It is an education for states to have a relationship with tribal education agencies.

It is a difference for the tribes themselves to have declared and said, yes, this is our tribal education agency.

So, all of the parties that are involved in this grant process have been challenged in some way about their relationship of education. And you're right. It is for all of the same children.

MEMBER BUTTERFIELD: I was just going to say my understanding of this pilot because it's been in the works for a long time, was essentially to start with the places where it wasn't so adversarial and start somewhere with places that were willing to try and work together around certain things so that down the road they could serve as examples for places that were struggling with the kind of stuff that you're talking about.

And you can say, well, in Oregon they managed to do X, you know. And in Chickasaw, they did Y. And so, this now provides sort of an example of how we might try to move forward differently.

So, that's probably why you're not a pilot, because you've got more to work with.

MEMBER PHELPS: Well, and probably never will be, because, I mean, the relationships - well, it will never be - well, if those issues haven't been addressed by the RFP process, that's my point, is that have anybody, you know, who, you know, understand the sovereignty or the jurisdictional issues, I guess it would have been nice if you're trying to do this in a state where you could say, well, no, the attorneys at ten names that have a million dollar price tag after every name have looked at this and there are no sovereignty issues based on how the RFP is.

I'm just saying, you know, if that wasn't done, then I think it will come back to haunt people in a while after they get into it.

VICE CHAIR JACKSON-DENNISON: I think that I, I mean, because I work in the public school sector and I can understand what Stacy is talking about, because at the root of every issue is money.

And I look at the STEP agreement or the preliminary agreement between New Mexico and the Navajo nation, and it goes back to what you are saying. People that are - or groups of - entities that are in agreement. But if you go across the State line, they're not going to be able to do that in Arizona because the money that funds school districts is not - in New Mexico, it's equalized. So, it goes to the State. So, it's a way for the tribe - I'm glad they're at least trying to find a way to get the money back to the kids or the Navajo students that are not served under an equalized formula.

But in Arizona, what the biggest fear is, is that we don't have the knowledge base at the tribal level to really truly, I mean, we went through ethics training this morning. I mean, do our leaders in the tribal - the net education - I'm not saying they do or they don't. I'm just saying this is a question on people's mind.

Are they going to misuse the money, or is it going to be used properly? Do they have the capacity of knowledge built to be able to - because under the State, we're under very strict guidelines. The USFR, the, you know, all the spending guidelines that the tribe doesn't have.

And so, when that's not in place by a tribe, there's more tendency to not follow and not get to the children that we're supposed to be serving.

A good example is JOM. I mean, we don't see it in the public school sector until, I think, they cut off the top maybe - I don't know what the percentage is now, but it's a huge percent. At least 20 percent, maybe higher, before it even gets to the schools just to employ - becomes an employment agency type of thing. So, we don't get those monies. By the time it gets to the students, we've lost a big chunk of it.

Whereas Impact Aid, which is our biggest funding source, goes directly to the schools without any - doesn't go to the State, doesn't go to the - it goes directly from the federal government straight to the county to our banks.

And that's the difference. And that's where the - if you want to identify where the problem is for most Indian land schools, it's Impact Aid.

And that's why we had testimonies given last time here when one gentleman just came right out and said, you know, and right now it's being said to our tribe here, well, they're questioning why we're having to do a reduction in force in my school district. And somebody said, well, give us the money and we won't do the reduction in force.

They don't have the money. But if they did, you know, I don't know the answer to it. Would they really use it right or not? I mean, I don't know. That's the question that everybody struggles to answer.

And people on the public school district side say, no, they won't, because they have plenty of examples of how it's been wrongly done.

And then on the tribal side - and I have to be very careful, because I come from an upbringing where my father was a strong believer and I believe in Indian control, Navajo control and all that. And I hope in my lifetime we do see it.

But I think that as far as planning for the future, we really need to put steps in place so that we can have it so that we can control, but that's exactly where the problem exists is the lack of trust.

And it's just trust. That's all it is. Are you going to use the funding accurately, or are you not? You know, that's the real issue there that people struggle over.

MEMBER PHELPS: You know, and I don't disagree. However, we can't claim to support sovereignty and limit the tribe's role in defining what happens at its borders.

I mean, there's a lot of organizations that I as a taxpayer sit back and look and say, well, they shouldn't have spent that money that way, I don't agree with this, why are we wasting money on that.

I can't sit in good conscience and point out something my state or the fed does, and then not let a tribe as a sovereign make those own decisions right or wrong.

It's their right to exhibit their sovereignty. Do they do absolutely everything like I would do? No, but it's their right to do that, you know.

And it's a tough place, but it's their right as a tribe to make those decisions right or wrong.

VICE CHAIR JACKSON-DENNISON: I agree it's their right, but I'm just identifying where the problem exists in that I'm just being honest with what the people that work in the public school sector see.

I'm just identifying where the problem is. I'm not saying it's right or wrong. I'm just saying that's where the problem is.

MEMBER WHITEFOOT: Just a little background on this, the STEP project. Having being engaged with TEDNA and NIEA on the development of the language for the STEP project, it is, it's like Robin said, it was intended to be for those communities, or schools and communities, that felt that they were prepared to begin moving forward, because they have developed good working relationships in their communities.

And I know that with our affiliate Tribes of Northwest Indians, we've had the Umatilla tribe who made a presentation to our northwest tribes. And, you know, they outlined what their intent is even though in any pilot project you're going to undergo revisions and changes as you move forward, because this is a new arena that you're entering in with the State government.

And so, each tribe as we know is different, each tribe is unique, each tribe defines what its sovereignty is going to be.

And so, in terms of our relationship working with the State government, it may be a good working relationship, a poor relationship, but nevertheless this is a pilot project to begin moving forward.

Now, I know that, for instance, that there have been several tribes who have been involved with TEDNA over the years and have worked with the Native American Rights Fund that we have all worked with over the years as well and have been a party to some of this evolution of tribal control in different capacities.

Even in our own tribal communities we have differing roles in tribal capacity in taking over some of those functions from State agencies.

And for us right now in our case, we're a Public Law 280 state. And we more recently agreed to assume jurisdiction of specific functions from the State, you know, known as retrocession. And there are several tribes that are doing this and I think we all support, you know, the sovereignty that our tribes exercise.

We may not always agree with our own tribe, but nevertheless we continue to move forward in exercising, you know, our sovereign jurisdiction.

It's just like this issue that was brought up this morning on Indian payments made to us as NACIE. And my question is, what right does the federal government have to even know what our resources are?

If we choose not to as a tribe to report that to the State government, then why are we going to report to the federal government?

I mean, we're, again, compromising our sovereignty as an individual, and our sovereignty as a part of a tribe as well.

So, just a brief background. There's a long history behind this with Native American Rights Fund. And we have developed templates that tribes can access through Native American Rights Fund. And I know that many of the tribes around here have done that and have worked over the years to get to this point.

And I am pleased to hear the progress. I heard the individuals give their report in Oklahoma City to TENDA, and I thought they did an outstanding job.

I was just so pleased to hear these individuals report about what it is that they intend to do. In our case, we look forward to learning from this process.

And my hope is that in some way like Robin mentioned, that we would document this process as we move forward.

And a question that I have has to do with whether Windwalker will be working on this as an enhancement agenda as well to be able to capture this whole process, because this is an enhancement topic.

And so, hope that there is a mechanism made so that we can learn from this process.

MS. SILVERTHORNE: You make a really good point, Patsy. And at this point in that contract with Windwalker, no, there is not provision for that.

And it was a contract that was established last - a year ago. And so, we are - in 2011. And so, we would have to look at how that would - what it would take to modify and/or what the cost of that might be.

There may be other mechanisms that we could look to, but, yes, it does need to be documented and in more detail than my volume of files that I'm accumulating at this point.

And so, as we continue to move forward with this, it is a good point to remember and we'll look for other ways that we can make sure that that does get done.

CHAIR ACEVEDO: Joyce, do you have any other points to make? We have Bill here as well if we've transitioned or you still have a few more minutes yet, if you'd like.

MS. SILVERTHORNE: If I could just address the question of sovereignty for the moment, I'm amazed at the diversity of circumstances for tribes across this country.

We have talked to the people from Alaska and the unique circumstances that they live within. We have talked to the people from Oklahoma and the unique set of relationships with the State that they live within. Certainly the relationship of South Dakota and its state. Montana and its states, another Public Law 280 state.

And so, all of these different structures that are out there trying to create these systems that address the needs of all of them is a very complex, legal process. And this pilot program is a learning experience from Day 1.

Even though there had been long planning before the appropriation happened, the appropriation didn't follow what the planning said.

And without changing statutes, they gave us money to do the impossible, but what we are really working toward is the development of the capacity of tribes to be able to come into these situations.

Their children are already there. Their children are there every day with or without us solving these problems. And so, we're working now to see if we can understand better what they're facing.

So, it's an experiment in process and I thank you for this debate. It's good that we have these conversations and that we understand better the kind of diversity that this grant is existing within.

So, I thank you for this time. And I thank you for moving us to the agenda when we actually had the opportunity to do a fair address of the topic. So, thank you.

CHAIR ACEVEDO: Thank you, Joyce.

As she mentioned, the issue of sovereignty is a very complex one. Having litigated issues on this for the past 30 years, I found each situation to be unique and each tribe to be unique in how it approached its use of its sovereign authority whether it be as a spear or a shield, and the various negotiations that go into that.

And it really turns on each tribe's desire as to what they want for that central outcome as opposed to anything else in terms of a broad context. So, it's a thorny one. Let's put it that way.

So, Bill, welcome back.

MR. MENDOZA: Great. So sorry, everybody. I didn't get to apologize in advance, but I was going to flag for you that I would be in and out making sure that you're all situated for tomorrow's interagency working group.

So, thank you for bearing with me in my absence, and I assure you that myself and my staff will be scouring the transcripts to ensure that we didn't miss any critical points that you all brought up today.

And as usual, Joyce and I work very closely together. And so, we will be debriefing as well on the highlights and points of today's activities.

Today I want to touch upon a few matters. As we reference the agenda, you know, we have - there is topics, you know, I want us to have a conversation today, but mainly focusing around the memorandums of agreement that culminated with the fourth annual Tribal Nations Conference.

And then also the Interagency Working Group, which we gave it a pretty good thorough once over this morning. And the 2012 Tribal Nations Conference update, I actually regretfully will not be able to discuss today.

There is a report out from that conference that is currently being vetted. And I had hoped that that would have been released to be able to discuss with you those concerns and issues raised by tribal leaders tomorrow at the Interagency Working Group.

Jodi Gillette from the White House Domestic Policy Council, our senior advisor on Native American affairs, may be able to touch on some of those items specific to education more than I could today.

I do want to express during the Tribal Nations Conference since that's the most - least substantive of our conversation today in terms of me being able to provide you with a whole lot of information, that there was a discussion of a lot of parallel issues validating from our 2010 consultations and the emphasis that the administration is placed on tribal leader engagement and public schools in particular was raised in those conversations.

Suicide prevention was an issue that also came up as an importance to tribes and tribal leaders and the situations that they're trying to work to address within their communities.

Impact Aid was another conversation that came up. The strength of being able to utilize those monies and to establish accountability in a way that tribes feel needs to be done better.

Also, the issues of supplementary funding and tribes having - reporting being too burdensome for them in regards to those monies. I think the topic that was just being discussed as I came in listening to Member Whitefoot, I think they, you know, share those sentiments.

And it was very encouraging from participating in the previous Tribal Nations Conference to see those issues be discussed in such detail.

So, I look forward to communicating that report to NACIE as soon as it is released. And we'll definitely reference for you the 2012 progress report that you also have access to in your packets, I understand, which summarizes the activities, you know, specific to education led, of course, by Department of Interior and Ed.

As you all know during the previous -

CHAIR ACEVEDO: May I just interject for a minute?

MR. MENDOZA: Yes.

CHAIR ACEVEDO: Having had the chance to attend that summit, I'd just like to commend the administration that the folks they sent to the breakout sessions really gave the opportunity in a process-wise for tribal leaders to be able to speak to all of the critical issues that Bill has generally referenced.

So, from that standpoint one would hope that the report would be quite comprehensive, because the tribal leaders really had the opportunity to speak their minds and there was a very open, candid discussion of the tribal positions on these various issues. I just want to put that on the record.

MR. MENDOZA: Appreciate the acknowledgment. Certainly there's a lot that goes into that event on an annual basis. And this one was a challenging one, to say the least.

We weren't sure if we would have a job. And so, you know, we were glad to have it.

So, since last we talked, Department of Interior and Ed had engaged in a draft Memorandum of Agreement. The Executive Order refers to it as a Memorandum of Understanding. And somewhere in the process, and my memory escapes me right now why, it was deemed to be an agreement.

Maybe Jill Eichner has left us - oh, she's - okay. Same thing. It's the same thing. She's trained me well enough to at least qualify, you know, that there's a difference, but apparently it's the same thing.

(Laughter.)

MR. MENDOZA: So, we have two existing final Memorandums of Agreement. The Department of Interior and Ed Memorandum of Agreement, as you may recall, brings together, you know, how the agencies will establish a framework to implement the President's Executive Order and builds upon the 2005 Memorandum of Agreement that's pretty much mandated by ESEA. At least it's the chosen mechanism by the agencies to implement federal dollars, the programs that are specific to BIE.

And so, utilizing that, the two agencies have identified some critical areas. And you can see for yourself within the MOA what those specific activities are.

The specific section is Section 3(c) in the MOA. And the framework that's in place for this MOA is a joint committee between the two agencies; Bureau of Indian Education specifically, and the Department of Ed. And it's the desire of each of the departments to ensure that there's engagement at the most senior levels impacting the Bureau of Indian Education irrespective of this agreement.

And so, we have tentatively identified a date of which we're trying to coalesce around. I'm not sure if that will hold, but February 21st is a date that we're trying to identify for bringing the senior officials together to discuss, you know, what that committee's establishment will look like and of course to begin to address the specific activities that are in Section 3(c).

I won't delve into the specific issues. They pretty much speak for themselves. And I would be remiss to be speaking outside of those as they are certainly topics of concern with the two agencies and priority.

And I just point to the fact that this framework really establishes, you know, how we're going to project this out, you know.

The woes of the dynamics between Department of Ed and Interior as we have engaged with them have really centered around, you know, a lack of continuity, a lack of consistency in these conversations at particularly the senior level in terms of budgetary and policy implications.

And although we have a mechanism to communicate with the Bureau of Indian Education at the programmatic level, you know, we need to also have those conversations, you know, explored at the leadership level as well.

So, this committee will attempt to do that, to bring in alignment the existing mechanism that we interact with program officials, their counterparts within the Bureau of Indian Education, and to have discussions that involved foremost tribal leaders.

Within the Memorandum of Agreement, you may have identified that we are going to call upon, you know, representatives of tribal governments to participate in this joint committee. A minimum of three.

And so, we are just in the initial processes of looking at, you know, what that is going to be. And so, at this point I want to flag for you that we will likely, and this is, you know, a notification of that, as well as there will be a formal request for recommendations and for tribal leaders to serve on that joint committee.

The secretaries tomorrow will also make a recommendation to the Interagency Working Group to establish a similar relationship to include tribal leaders in those conversations.

Why tribal leaders? You know, in consultations and in our conversations especially around consultation policies, it is important to engage tribal leaders. And they have a vested interest and an ability to help us ensure that these issues are being, you know, addressed within the communities, as well as their conversations that they're engaging in here when they interact with senior officials.

So, you know, with that I want to just pause for questions. In terms of the Memorandum of Agreement, one of the things that we're looking at through the agreement, of course, is to align our communications and collaboration around consultation specifically.

You had a first indication of that with the consultations on this MOA in particular where we engaged in joint consultations to the tune of four around the country.

And so, we hope to see that kind of activity continue and that there is developed within this committee the institutional knowledge to be able to monitor this and reflect back to the community consistent with our consultation policies.

CHAIR ACEVEDO: Questions of Bill.

MR. MENDOZA: Thank you. I'll move on. No, I'm just kidding.

MEMBER WHITEFOOT: I just have a question.

This morning we heard about, you know, the budget, just budget overall and the lack of funding being available. And I know that in the Executive Order it also speaks to the same subject to availability of appropriations, you know, and, again, will fund the initiatives. Are there - is there movement? Are there specific asks being made to fund this initiative, including the role of NACIE in this as well?

MR. MENDOZA: At least my memory recalls that National Indian Education Association provided testimony on the initiative charge at least from the public sector -

MEMBER WHITEFOOT: Right.

MR. MENDOZA: - and the increase in responsibility. And we, as an office, you know, are in the process of formulating, you know, exactly what the implications of these universes are.

As you know, the universes of responsibilities are not yet defined. But as we look at, you know, the preliminary information that's in front of us, just census information, our level of grantees in title VII and Impact Aid, you know, the counts from Johnson-O'Malley and we looked at some of the initial cross-alignment, it's not too far from the 4,000 percent increase that then Director Kippen spoke to.

And so, the challenges for us and my staff are, you know, how are we going to be able to adequately address that expanded scope with the existing staff levels.

And I'd also like to take the moment right now to introduce my associate director Sedelta Oosahwee who is in the crowd with us here today. She hails from Mandan, Hidatsa and Arikara and also has Cherokee descendance as well. And so, we cover a lot of bases with her background, I like to think, anyway.

But we're delighted to have her. She brings a background in higher education. She comes from our communities. And so, she knows these issues.

And she's also had some work here in D.C. as well. So, she's a little more seasoned than I came in with even. And so, I really appreciate having her joining our team.

I also have with us today a detail from our Office of Postsecondary Education who's been with us now here for a couple months, Dr. Bernadette Hence, who is also supporting our activities as a senior policy advisor. So, I really appreciate her engagement with us as well.

And we have a vacancy within our office that we are currently trying to have funded. I had a program director that retired in December. And since then, you know, we have been in the process of, you know, working within Ed to be able to get that position funded.

That position was formerly titled as a program director. I envision it now more as a chief of staff.

As we look to the future, I see a very clear breakdown between being able to monitor our PK to 12 efforts within the initiative, and our higher education career and technical efforts, which would at a minimum, you know, require another associate director.

And so as I think to the future, you know, I want to fill the current vacancy, I want to have that funded, as well as look to an additional position from the standpoint of the initiative.

MEMBER McCracken: Hey, Bill, how are you?

MR. MENDOZA: Hey, good. How are you, Mr. McCracken?

MEMBER McCracken: Good.

With the new - and it may be too early to tell, but with the new announcement today of our new secretary of interior and these MOAs that you have in place, do you feel like you'll get that same support from the new leadership?

It may be too early to tell, but I'm just wondering if you've got the sense that the same support will come from our new secretary.

MR. MENDOZA: We've certainly kept our nose to the grindstone here on the initiatives work. And I have to admit, you know, that the news to me today of the, you know, putting forth - the nominee that did come forth, I don't even know the madam. I look forward to working with her.

We have engaged with Assistant Secretary Washburn. Acting Director Drapeaux continues to be committed to these issues. And so, you know, we're going to stay the course and, you know, have every reason to believe that the President has put forth somebody who will care about these issues. And look forward to, you know, pushing them as much as they, you know, bring to the table to help us look at these issues in a new way.

So, always a fresh perspective helps us look at these in new and needed ways.

VICE CHAIR JACKSON-DENNISON: Thank you, Bill. And thank you for arranging tomorrow's activities. I think that's really important.

I just have a question. It may be preliminary, but I was looking at, you know, I know we've had these discussions. It's in our annual report to Congress. And it's also in our draft letter to Secretary Duncan about the first recommendation about the position of an assistant secretary of Indian Education.

How would that fit, in your view, to all the work you're doing and what we're, I mean, is there a different - I guess I'm not understanding how that fits with the White House initiative and everything else, just in your view.

MR. MENDOZA: The Executive Order establishes the director of the initiative as a senior advisor on Indian education issues. And one of the advantages of being in a post that I do, I not only have an interdepartmental reach, but I also have an interagency reach, you know.

So, the current trajectory is to look at those kinds of facilitation of conversations at the highest level. And so, the charge to me is to develop those relationships, to nurture them and to ensure that we are working within the charges of each of those statutes and the regulations that follow them.

And so, you know, we made a commitment under that Executive Order to work closely with Director Silverthorne, and especially the Bureau of Indian Education director. And we're going to continue to, you know, make sure that those conversations are the top priority. **4:29:40 AA STOPS**

I've said this on literally almost every occasion that I'm out there where we're the three-legged stool of Indian education. When it comes to the sole accountability for Indian education, that rests on our shoulders.

And so, the question is looking at our charges, looking at Title VII, you know. There's a broad reach there which implicates National Advisory Council on Indian education as well.

And so, how are we, you know, looking at those statutes and, you know, breathing new life into them if they're not fully, you know, carried out in a way that, you know, we want them to be within Indian country, you know.

At the end of the day, we have to stand there and we have to say, is this good for Indian students?

And so, you know, we push the bar in all those respects.

MEMBER BUTTERFIELD: I think from more of a historical perspective, the idea of having a position of an assistant secretary goes back to the original creation of the Office of Indian Education, which had that elevated position. It reported directly to the secretary.

And over the years under various administrations, that position was moved down in the Department. Sometimes it was moved back up briefly.

So, this recommendation is there because we'd like to see it more institutionalized. Even the President's Executive Order which, in essence, has some of the capacity and the functions that that position was envisioned to have is still at the will of the President. And under previous President's Executive Orders, that also disappeared.

So, I think the notion of this recommendation is to try and create more stability and institutional integrity that that should remain and have the authority that I think is within some of the responsibilities under the Executive Order.

That's the distinction that I see between the two.

VICE CHAIR JACKSON-DENNISON: Yeah, I see it that way too. I'm just wondering where it fits in with the budget cuts and everything and whether it's realistic that we'll ever really get that. I guess that's where I'm coming from.

And like the discussion we were having earlier about the teacher education departments, I really see that as that would be a way of building capacity.

Someone that understands at that level, the dynamics of both the Bureau systems, the BIA grant schools and the public schools and all the schools that serve Indian children across the country instead of having them separated now, it seems like we're just fragmented, and that's where I'm getting at.

And your role is important, but I'm just wondering is it realistic? We know we're asking for this and I know in reality it would be the best thing, but I'm just kind of curious as to how it really plays out if we're putting this on paper and then moving forward and is it going to ever really become what we get.

MEMBER THOMAS: Two things. First, I agree with Robin and Debbie for this position. I think we need to keep it in there and maintain that. This is what we want. Because like the squeaky wheel, someday we're going to get that back where we wanted it.

I was on the council when they, as she called it, de-elevated. That doesn't make any sense to me to this day, but that's what they said. It was de-elevated. The position came down. And so, we were kind of worried about that, but we need to keep it in there and keep it on top that this is a priority.

My other issue, this copy, is this an old copy of the agreement, or is this -

MR. MENDOZA: I'm not sure which copy you're looking at there, but you should -

MEMBER THOMAS: It was in our packet.

MR. MENDOZA: - have the final. You should have the final in front of you.

MEMBER THOMAS: That's it?

MR. MENDOZA: Yes.

MS. EICHNER: The signature page should read December 3rd.

MEMBER THOMAS: I don't have a signature page on mine. Anyway, the question that I have here is at the beginning it does talk about - it says for students attending public school, as well as, you know, the Bureau school that we have here.

But then you get back to after reading just a small portion of this here when the Bureau's identifying what their needs are, it's all dealing with the Bureau schools.

I'm a little bit worried to where the public school issue is coming. Speaking about JOM, it's not mentioned too much about what - on their side of this agreement. Because at the very ending it says, the purpose of this - I was - I flipped my page, but there is a statement in here that says what is the purpose of this agreement. And it says about what it was and it had to do with the Bureau-funded schools.

So, that was my concern that it wasn't really geared towards - I guess the Bureau was waiting to see if the Ed side was going to take over the public school issue, or is the BIE not recognizing both the BIA schools and the public schools that they serve?

That's my only issue here, because I don't see it in here.

MR. MENDOZA: Uh-huh, yes.

MEMBER THOMAS: I'll find that page. I had it marked, but it said why was this to be developed? And it's - I don't know.

MEMBER BUTTERFIELD: I guess my understanding of your question, Virginia -

MEMBER THOMAS: There it is.

MEMBER BUTTERFIELD: - goes back to the President's -

MEMBER THOMAS: It's the purpose. The purpose of the agreement.

MEMBER BUTTERFIELD: Yes.

MEMBER THOMAS: It's on the back of the first page.

MEMBER BUTTERFIELD: Yeah, but it goes back to this President's Executive Order. And if you look at the second page of the Executive Order under where it says Mission and Functions of the Executive Order and then it's got I, and then II, and then it goes all the way to X, the third or the second

one deals with strengthening the relationship of the Department of Ed and the Department of Interior via an MOU.

So, this is one of ten separate activities that's within the Presidential Executive Order.

So, it never was intended to deal with public schools. It was intended to deal with how the Department of Ed works directly with the Bureau schools, is my understanding.

And that's been one of the challenges in terms of the President's Executive Order, is that there's been a lot of activity focused on the relationship between the Department of Ed and the Bureau, but not much in terms of these other ten items and how the Department is working differently other than what Title VII office does already for the benefit of all public schools.

And so, the Executive Order in my understanding is a broad, comprehensive challenge for the entire Department of Ed through all of its funding streams, including Title I, Title II, Title III, Bilingual, all of those programs that are supposed to be providing services to Indian kids, how are they expanding and being more inclusive and documenting their track record of providing services for Indian country?

MEMBER THOMAS: But you're also taking -

MEMBER BUTTERFIELD: And that's what --

MEMBER THOMAS: - the Bureau side.

MEMBER BUTTERFIELD: - we don't have.

MEMBER THOMAS: From the Bureau side, they should - the same thing for all the programs that they -

MEMBER BUTTERFIELD: That's right. And there's an MOA that -

MEMBER THOMAS: Yes.

MEMBER BUTTERFIELD: - is attempting to describe that, but there's nothing describing the other, as far as I can tell yet.

MEMBER THOMAS: Did you get that, Bill?

MR. MENDOZA: Appreciate the points. I think I have some response in that, but bear with me if I don't.

So, you know, as you look at the, you know, strategies, you know, as, you know, some of them are deliverables, you know, some of them are objectives, you know.

If we look at Number 5 there, reporting on the development implementation and coordination of education policy and programs that affect American Indian and Alaska Native students, you know, a lot of that is speaking to jurisdiction to be able to, you know, inquire to, you know, have them plan around and report on and speaks directly to the four-year plans and annual performance reports, you know.

This is where, you know, the initiative is going to engage with program offices and this joint committee, and especially an implementation team that's being developed within Ed will, you know, take assessment of, you know, what are the critical programs, you know, how does that relate to the priorities?

And this is where, you know, NACIE can determine what are the priorities there. Is it Title I, you know? Is it school improvement? Is it Title VII, you know?

In terms of ensuring that we are looking at some universe of institutions and reporting on what? Is it money? Is it outcomes, you know?

I venture to actually know we're heading in that direction that it's a combination of both, you know, that we need to have a metric in place of accountability.

When you look at the higher education side of it, the tribal college and university's approach to it, you're looking at contracts, grants, services. You're looking at subset of criteria, research and development, internships, you know, things of that nature.

And so, what does it mean to support an LEA? To support a program? Is it just an up or down number?

These are great points. These are ones that we're going to be working through and building this planning and reporting within the Agency itself. So, your thoughts and insights into that are critical.

The document itself, the MOA, you know, is a framework for collaboration. And even though, you know, one portion of it, you know, the end of it mostly speaks primarily to the Bureau of Indian Education, you know, there's practices there that we have not yet been able to identify, you know.

There's things going on in our bureau of Indian Education schools, because they're at the epicenter of tribal control that, you know, I firmly believe need to be expanded and replicated.

We need to have a system in place to identify that, to ensure that it is what we think it is, and to then incentivize that to mobilize around that, to advance the experiences of our students and especially the outcomes.

So, you know, even though at this juncture it might not be so clear, this is the first step in saying, you know, what do you care about? This is what we care about. This is what we've had in the past, and let's start to formulate conversations around that.

I think so the next one, which I'm sure you'll be as interested in, is the Native Languages MOA. And this MOA received significant interest from the Domestic Policy Council. And we mobilized around their initiation. And this is a perfect example of how when our Executive Office, you know, prioritizes as something, you know, that the agencies have even a slight interest in.

And that wasn't the case here. Thankfully they didn't have to drag anybody kicking and screaming. We were chomping at the bit to participate.

And so, the commitment and actually the response to it generates directly from consultations. So, the Native Languages MOA speaks to the need for, you know, coordination and collaboration between those relevant agencies and efforts that can enhance Native language preservation and revitalization.

So, the specific activities in there, goals were developed. Those are outlined within there to get at some of the issues, you know, identifying if not best practices, promising practices and the research that builds those practices, to provide resource basis for Native language development programs, and to look at our funding, and our activity is centered around that funding. Whether it's technical assistance, you know, or what we might be engaged in, in terms of outreach, to make sure that we're coordinating better with that.

So, the substance of it is that, you know, we want to start these conversations. And we want to do it within the scope of the Native American Languages Act.

We know all too well from hearing from you and hearing from others through consultations, that is of critical importance especially as we look at the state-tribal dynamics in public schools especially.

And so, it's one of the areas where, again, we need a framework for this kind of communication, how does it relate to not only the interagency working group, but also the joint committee within education.

So, you know, those conversations we hope to not be disconnected from one another as well. And looping in critical agencies that are involved right now, this MOA speaks directly to Interior and Ed and HHS, ANA in particular.

And so, you know, we want your recommendations on other agencies, other programs out there of interest to you.

And this is a part of taking assessment of, you know, what resources are available and, you know, how does that relate to the demonstrated need that is out there.

If I didn't mention it, I'm kind of moving on my thoughts here, but we've committed to a summit, you know, a summit to have these kinds of conversations.

Now, what that looks like now is very aspirational. So, we're going to be convening this group as soon as possible.

I say that because, you know, we haven't yet been able to put this MOA into motion. We have the Interagency Working Group convening. We have the Joint Committee. We've met, you know, on this MOA. So, we have engagement.

One of the offices that is, you know, of course important to this is our Office of English Language Acquisition and some of the resources that they have there for Native languages, limited English *** 1:45:28 support.

And so, you know, we're without a deputy assistant secretary in that position right now. So, you know, we're going to want to time these conversations accordingly and build engagement and buy in, you know, as we move forward.

So, you know, look forward to those conversations and any recommendations that you might have in response to this MOA, we very much appreciate your insights.

And we'll be reporting regularly, of course, to you all as we move forward with that effort.

If there is no questions regarding that, you know, just wanted to see if there was any other lingering thoughts around the Interagency Working Group from tomorrow.

I'm pleased to report that we do have Assistant Secretary Washburn able to join us for that convening and look forward to the conversations. Wrapped up Secretary Salazar's briefings and, you know, hope after we finish here to get Secretary Duncan his. And I think everybody is pretty excited to, you know, delve in for tomorrow. Okay. Thank you, everyone.

CHAIR ACEVEDO: Thank you, Bill, very much. We're looking forward to tomorrow's meeting and we have created a subcommittee that will be there, as well as the other members who will attend on their personal behalfs.

MR. MENDOZA: Okay. If I may ask, too, if we could get the names of those subcommittee participants, I'd sure -

CHAIR ACEVEDO: For tomorrow, it's Deb and myself.

MR. MENDOZA: Okay, great. Thank you very much. Appreciate that.

MEMBER THOMAS: Does he have like five minutes or so? Is he going to be able to address?

MR. MENDOZA: Ten minutes. Ten minutes, yes.

MEMBER THOMAS: He really needs just five.

MR. MENDOZA: Okay. We'll give him five if that's what you prefer.

(Laughter.)

MR. MENDOZA: I do want to - I neglected to forward to the NACIE group an invitation to AHEC's 40th anniversary that they're having on the Hill.

We have invitations. I don't even know the exact location. I haven't gotten that far yet, but that reception starts 5:00 to 7:00.

So, we will bring those cards right back with us and make sure that you get those. So, they'd love to have you.

MEMBER NEWELL: Mr. Chairman.

CHAIR ACEVEDO: Yes, Wayne.

MEMBER NEWELL: What time do we gavel in, in the morning, because I have to run right now. Eight o'clock?

CHAIR ACEVEDO: Thank you for participating tomorrow. I believe it's eight o'clock tomorrow.

MEMBER NEWELL: Okay. I'll dial in then.

CHAIR ACEVEDO: Thank you, Wayne.

MEMBER NEWELL: Have a good evening, everybody.

CHAIR ACEVEDO: You too. Thank you so much.

MEMBER NEWELL: Right. Bye-bye.

MR. MENDOZA: I had one last thing, if I may, Mr. Chair.

I wanted to just reiterate - I know there was a conversation earlier regarding the frequency of NACIE meetings. And, you know, it's a number that we certainly would appreciate input on.

But I think just looking at your current activities being with you now for these past couple of years, you know, I envision that, you know, how we end up ramping these kinds of issues and to give full scope and breadth to these issues would necessitate at a minimum, two additional

convenings of NACIE to be able to have adequate - be adequately informed on these issues and monitor what you deem necessary.

So, I know that's maybe asking a lot, you know, but I think that would give ample opportunity for you to explore these issues.

CHAIR ACEVEDO: Thank you. We appreciate that. And we were talking about the need for more face-to-face discussions to move everything along. So, that coordinates with us really well.

MEMBER THOMAS: Thomas, just to get a comment to Bill, I know that Robin can probably concur to this, NACIE's past have never had such information coming to us as you have provided for us, Bill. I mean, that's a known fact.

And I, for one, I appreciate your commitment to inform us, keep us informed and let us know how we can help. So, I appreciate that.

MR. MENDOZA: I'd be remiss if I didn't acknowledge our leadership and our dedicated team in that respect, you know.

We have a lot of people not only within Department of Education, but within the administration that really want you all to be informed and to act upon these issues and to be responsive to them as well.

And so, we really see ourselves as partners in that effort and, you know, we all have our confines, our constraints, if you will, and our rich resources.

And so, it's just a matter of connecting the dots for us. And so, we really strive hard to that and appreciate those sentiments.

CHAIR ACEVEDO: Thank you all for your participation today. Is there any other business you'd like to transact before we have a motion to adjourn?

MEMBER McCracken: Second the motion.

CHAIR ACEVEDO: So moved.

Is there a second?

MEMBER THOMAS: Second.

CHAIR ACEVEDO: Moved and seconded that we adjourn for today and reconvene tomorrow morning at eight o'clock.

All those in favor, signify by saying "aye."

GROUP RESPONSE: Aye.

CHAIR ACEVEDO: Those opposed, same sign.

(No response.)

CHAIR ACEVEDO: There being none, we're adjourned. Thank you.

(Whereupon, the above-entitled matter went off the record at 4:51 p.m.)