



U.S. Department of Education  
Office of Elementary and Secondary Education  
Office of Indian Education  
National Advisory Council on Indian Education  
Inaugural Meeting  
November 3-4, 2010  
11:00 am-5:00 pm  
Holiday Inn  
550 C Street, SW  
Washington, D.C.

REPORTED BY:  
Janet Evans-Watkins  
Electronic Reporter

# Table of Contents

<b>WELCOME AND INTRODUCTIONS.....</b>	<b>10</b>
MR. YUDIN .....	10
DR. RAY .....	10
SECRETARY DUNCAN.....	10
MR. YUDIN: .....	11
DR. MELENDEZ .....	12
<b>SWEARING-IN CEREMONY.....</b>	<b>14</b>
MR. MILLER .....	14
DR. RAY .....	14
DR. MELENDEZ .....	15
MR. YUDIN .....	15
DR. RAY .....	15
MR. YUDIN .....	16
DR. MELENDEZ .....	16
<b>NACIE PUBLIC MEETING SESSION I, DAY 1 .....</b>	<b>16</b>
MS. LEONARD.....	16
COURT REPORTER .....	16
COURT REPORTER .....	16
MS. LEONARD.....	17
MS. WHITEFOOT .....	17
MR. ROSE .....	17
MS. LEONARD.....	17
MS. WHITEFOOT .....	18
MS. AKINS.....	18
MR. MCCRACKEN .....	22
MR. ROSE .....	22
MS. BUTTERFIELD.....	23
MR. ROSE .....	23
MR. YUDIN .....	24
MS. LEONARD.....	24
MS. THOMAS.....	25
MS. LEONARD.....	25
MS. THOMAS.....	26
MS. LEONARD.....	26
MS. LEONARD.....	27
MS. THOMAS.....	27

MR. ROSE .....	27
MS. WHITEFOOT .....	27
MR. YUDIN .....	29
MR. COOK .....	29
MS. BUTTERFIELD.....	30
MS. LEONARD.....	31
MR. BAILEY.....	31
MR. ROSE .....	31
MS. BUTTERFIELD.....	32
MS. WHITEFOOT .....	32
MS. THOMAS.....	33
MR. YUDIN .....	33
DR. JACKSON-DENNISON .....	33
MS. OATMAN-WAK WAK .....	34
MR. ROSE .....	35
MR. YUDIN .....	36
MS. LEONARD.....	36
<b>NACIE PUBLIC MEETING SESSION II, DAY 1 .....</b>	<b>36</b>
MS. LEONARD.....	36
MS. WHITEFOOT .....	37
MS. LEONARD.....	37
MS. LEONARD.....	37
MS. WHITEFOOT .....	37
MS. BUTTERFIELD.....	38
MS. LEONARD.....	38
MS. WHITEFOOT .....	39
MR. MCCRACKEN .....	39
MS. LEONARD.....	39
MS. THOMAS.....	40
MS. BUTTERFIELD.....	40
MS. WHITEFOOT .....	40
MS. LEONARD.....	40
MS. AKINS.....	40
MS. THOMAS.....	41
MR. ACEVEDO .....	41
MR. ANDERSON .....	42
MS. THOMAS.....	42
MR. ACEVEDO .....	42
MR. BAILEY .....	42
MS. BUTTERFIELD.....	43

MR. COOK .....	43
DR. JACKSON-DENNISON .....	44
MR. MCCrackEN .....	44
MS. OATMAN-WAK WAK .....	46
MR. PHELPS.....	46
DR. RAY .....	47
MS. SPOTTED BEAR.....	48
MS. WHITEFOOT .....	48
MS. THOMAS.....	51
MS. LEONARD.....	52
MR. BAILEY .....	52
MS. LEONARD.....	52
MS. THOMAS.....	53
MS. LEONARD.....	53
MS. AKINS.....	53
MR. YUDIN .....	54
MS. LEONARD.....	54
MS. WHITEFOOT .....	54
MS. AKINS.....	54
MR. YUDIN .....	54
MS. THOMAS.....	54
MR. CHEEK .....	55
MS. THOMAS.....	55
MS. LEONARD.....	55
MS. WHITEFOOT .....	55
MS. AKINS.....	56
MS. LEONARD.....	56
MS. WHITEFOOT .....	56
MR. YUDIN .....	56
MR. COOK .....	56
MS. LEONARD.....	56
DR. RAY .....	56
MS. THOMAS.....	57
MS. THOMAS.....	57
MR. ACEVEDO .....	57
DR. JACKSON-DENNISON .....	57
MR. YUDIN .....	58
MS. AKINS.....	58
<b>NACIE PUBLIC MEETING SESSION III, DAY 2 .....</b>	<b>58</b>
MR. ACEVEDO .....	58

MR. ANDERSON .....	58
MR. BAILEY .....	58
DR. JACKSON-DENNISON .....	58
MR. MCCRACKEN .....	58
MR. PHELPS .....	58
MS. OATMAN-WAK WAK .....	58
MS. WHITEFOOT .....	58
MS. THOMAS.....	59
MS. BUTTERFIELD.....	59
MS. THOMAS.....	59
MR. ACEVEDO .....	59
MR. BAILEY .....	59
MR. PHELPS.....	59
DR. JACKSON-DENNISON .....	59
MR. BAILEY .....	60
MS. LEONARD.....	60
MS. THOMAS.....	60
MR. ACEVEDO .....	60
MS. WHITEFOOT .....	60
MS. LEONARD.....	61
MR. ACEVEDO .....	61
MS. WHITEFOOT .....	61
MS. WHITEFOOT .....	62
MS. LEONARD.....	62
MR. YUDIN .....	62
MR. ACEVEDO .....	64
MS. LEONARD.....	64
MS. WHITEFOOT .....	64
MS. WHITEFOOT .....	65
MS. LEONARD.....	66
MR. YUDIN .....	66
MS. WHITEFOOT .....	66
MS. OATMAN-WAK WAK .....	66
MR. YUDIN .....	67
MS. LEONARD.....	67
MS. WHITEFOOT .....	67
STAFF MEMBER.....	67
MS. BUTTERFIELD.....	67
MS. LEONARD.....	68
MS. BUTTERFIELD.....	68
MR. YUDIN .....	68

MR. ACEVEDO .....	69
MS. LEONARD.....	69
MS. THOMAS.....	69
MS. WHITEFOOT .....	69
MS. WHITEFOOT .....	70
MS. THOMAS.....	70
MR. ACEVEDO .....	70

**NACIE PUBLIC MEETING SESSION IV, DAY 2..... 70**

MS. LEONARD.....	70
MS. BUTTERFIELD.....	72
MS. LEONARD.....	72
MS. LEONARD.....	72
DR. JACKSON-DENNISON .....	73
MS. LEONARD.....	73
MS. BUTTERFIELD.....	73
MR. COOK .....	74
MS. THOMAS.....	75
MS. LEONARD.....	75
MR. BAILEY .....	77
MS. LEONARD.....	77
MS. WHITEFOOT .....	77
MR. COOK .....	78
MS. WHITEFOOT .....	79
MS. LEONARD.....	79
MR. ACEVEDO .....	81
MS. OATMAN-WAK WAK .....	81
MS. LEONARD.....	81
MS. BUTTERFIELD.....	81
MS. BUTTERFIELD.....	82
MS. LEONARD.....	82
MR. YUDIN .....	83
MR. MCCRACKEN .....	83
MS. LEONARD.....	83
MS. BUTTERFIELD.....	84
MS. LEONARD.....	84
MS. THOMAS.....	84
MR. YUDIN .....	84
MS. THOMAS.....	85
MS. WHITEFOOT .....	85
MS. LEONARD.....	85

MS. SHAUGHNESSY .....	85
MR. ACEVEDO .....	85
MR. YUDIN .....	85
MS. THOMAS.....	88
MR. YUDIN .....	88
MR. YUDIN .....	89
MS. THOMAS.....	89
DR. JACKSON-DENNISON .....	89
MR. YUDIN .....	90
DR. JACKSON-DENNISON .....	90
MR. YUDIN .....	91
MS. OATMAN-WAK WAK .....	91
MS. WHITEFOOT .....	92
MR. YUDIN .....	92
MR. ACEVEDO .....	92
MS. OATMAN-WAK WAK .....	93
MR. ACEVEDO .....	93
MR. MCCRACKEN .....	93
MR. YUDIN .....	93
MS. THOMAS.....	94
MR. YUDIN .....	94
DR. JACKSON-DENNISON .....	94
MS. OATMAN-WAK WAK .....	94
MS. WHITEFOOT .....	95
MR. YUDIN .....	95
MS. WHITEFOOT .....	96
MR. COOK .....	96
<b>NACIE PUBLIC COMMENTS .....</b>	<b>97</b>
MR. ACEVEDO .....	97
MR. KIPPEN .....	97
MS. BUTTERFIELD.....	99
MR. KIPPEN .....	99
MR. ACEVEDO .....	99
DR. GIPP .....	100
MR. ACEVEDO .....	102
MR. COOK .....	102
DR. GIPP .....	102
DR. ACEVEDO .....	103
MS. SPOTTED BEAR.....	103
DR. GIPP .....	103

MR. ACEVEDO .....	104
DR. GIPP .....	104
MR. GUEST .....	104
MR. ACEVEDO .....	106
MS. OATMAN-WAK WAK .....	106
MR. GUEST .....	106
MR. COOK .....	106
MR. GUEST .....	107
MR. ACEVEDO .....	107
MS. LEONARD.....	108
MS. BUTTERFIELD.....	108
MR. ACEVEDO .....	108
MS. THOMAS.....	108
MS. OATMAN-WAK WAK .....	109
MS. LEONARD.....	109
MR. ACEVEDO .....	109
MS. BUTTERFIELD.....	109
MS. THOMAS.....	109
MR. ACEVEDO .....	110
MS. THOMAS.....	110
DR. JACKSON-DENNISON .....	110
MS. OATMAN-WAK WAK .....	110
MR. COOK .....	110
MR. ACEVEDO .....	111
MS. LEONARD.....	111
MR. ANDERSON .....	111
MS. THOMAS.....	112
MS. OATMAN-WAK WAK .....	112
MR. MCCRACKEN .....	113
MR. ACEVEDO .....	113
MS. THOMAS.....	113
MR. BAILEY .....	113
MS. OATMAN-WAK WAK .....	114
DR. JACKSON-DENNISON .....	115
MR. ACEVEDO .....	116
DR. JACKSON-DENNISON .....	116
MS. SPOTTED BEAR .....	116
MS. BUTTERFIELD.....	116
DR. JACKSON-DENNISON .....	116
MS. THOMAS.....	116
MR. ACEVEDO .....	117

MR. MCCRACKEN .....	117
MR. ACEVEDO .....	118
MS. BUTTERFIELD.....	118
MS. LEONARD.....	118
MS. THOMAS.....	120
MS. LEONARD.....	120
DR. JACKSON-DENNISON .....	120
MR. MCCRACKEN .....	120
MS. LEONARD.....	121
DR. JACKSON-DENNISON .....	121
MS. LEONARD.....	122
DR. JACKSON-DENNISON .....	122
MR. ACEVEDO .....	122
MR. MCCRACKEN .....	122
<b>CERTIFICATE OF REPORTER .....</b>	<b>123</b>

## WELCOME AND INTRODUCTIONS

MR. YUDIN: Good morning.

DR. RAY: Morning.

MR. YUDIN: Should we get started? Excellent. Well, good morning, everybody. Council members. My name is Michael Yudin. I am the Deputy Assistant Secretary for Elementary and Secondary Education. I'd like to welcome everybody here today to this swearing-in and public meeting of the National Advisory Council on Indian Education. We are thrilled that you've joined us today. We are very excited to have our esteemed members here with us today. I want to personally express my appreciation for their commitment to improving outcomes for kids in Indian country. The Department looks forward to working with you-all in improving academic achievement for our kids.

At this point, I'd like to introduce Patricia Whitefoot from Yakima Nation to lead us in an opening prayer.

[Native American Prayer]

MR. YUDIN: Thank you so much for sharing --  
[Secretary Duncan's presentation via video.]

SECRETARY DUNCAN: I want to congratulate all of you who are being sworn in as the members of the National Advisory Council on Indian Education. I'm sorry I can't join with you in person today, I'm actually overseas, but I'm honored to be able to participate in such a momentous occasion. You have shown tremendous leadership, commitment, and passion for educational equity and excellence for Indian children. And for all the work you've done, and for all the work you will do on this advisory council, I thank you.

I cannot underscore enough how important your work is for our Native students, for our Native communities, and for our country as a whole. Your work is absolutely critical to reforming schools that serve Native American students and for ensuring our educational success as a nation.

President Obama has set an ambitious education goal for the country, for the United States to once again lead the world in college completion rates by 2020. As a country that draws enormous strength from its diversity, our ability to meet this goal relies directly on the success of all of our students, regardless of race, ethnicity, or heritage. We won't be able to meet the goal without Native students completing college. We have a long way to go but have learned some things about how the federal government can best support your efforts.

History has shown that failing to include the voices of tribal officials in formulating policy decisions affecting their communities has all too often led to undesirable and even at times tragic results. And this is why meaningful dialogue between federal officials and tribal officials has greatly improved federal policy toward Indian tribes.

We firmly believe that consultation is a critical component of a sound and productive federal/tribe relationship. And more importantly, we understand that we must follow up on these consultations with concrete actions that make a difference in Indian country.

In the coming months and years, we will continue our work with tribal officials, other leaders in Indian education, and especially with the NACIE Board, to ensure that all of our children receive the world class education they deserve. We know the challenges are great. We have so much more work to do to help all children fulfill their tremendous academic and social potential. But I'm also convinced that the opportunities for success have never been greater, especially with leaders like you at the forefront of our efforts. And like you, the Department will not be satisfied until education is working in every community where Indian students are served, every reservation, every BIE school, every public school, every early learning center, and every college and university. That's a commitment we intend to keep, and I'm so excited to be partnering with you in this worthy endeavor. Again, congratulations. I look forward to continuing our work together on behalf of our nation's students.

MR. YUDIN: So as folks can see, the Secretary was unable to join us today. He is out of the country, but he is committed to working with you-all and learning from you and the partnership we all can form to improve outcomes for kids in Indian country.

Again, I want to thank Patricia Whitefoot for starting us off with that beautiful blessing and making us all realize why we're all actually here, so thank you for that.

At this time, I'd like to introduce Dr. Thelma Melendez de Santa Ana. She is the Assistant Secretary for Elementary and Secondary Education. She was confirmed as Assistant Secretary at the Department by the United States Senate on July 24th, 2009. In this position, she plays a pivotal role in policy and management issues affecting elementary and secondary education. She directs, coordinates, and recommends policy for programs designed to assist state and local educational agencies with improving the achievement of elementary and secondary school students.

Prior to arriving at the Department, Dr. Melendez served as superintendent of the Pomona Unified School District in California since 2006. During her tenure in this very diverse district, serving 31,000 students, three-quarters of whom were eligible for free or reduced-price lunch, and 44 percent of whom were English learners. She was directly responsible for significantly improving academic achievement in the district.

From 2005 to 2006, Dr. Melendez worked on district level reform in her position as program manager at the non-profit Stupski Foundation. Dr. Melendez has been recognized frequently for her educational leadership. In 2010, she was named Hispanic Business Magazine's Woman of the Year. In 2007, she was named Latina of Excellence, a national honor accorded to six Latinas of great distinction in their fields by Hispanic Magazine, receiving an educationalist award. In 2006, Dr. Melendez was selected to be a fellow in the Broad Superintendent's Academy, a national honor awarded to 18 outstanding dynamic entrepreneurial public school leaders.

Dr. Melendez earned her Ph.D. from the University of Southern California, where she was in the Rossier School of Education program, specializing in language, literacy, and learning. She earned a bachelor's degree cum laude in sociology from the University of California at Los Angeles.

Dr. Melendez?

DR. MELENDEZ: Thank you very much. And it's a sort of an awkward setting, because I feel I don't want to give my back to you and don't want to give my back to the audience, but there's so much I want to say to all of you.

First of all, I want to welcome you, and I want to say it's a true honor and a privilege for me to join you today and be a part of this ceremony. To the new members of the NACIE Board, you have demonstrated yourselves to be incredibly strong voices and leaders in Indian education. We, as you heard, the administration, the Obama administration -- you heard our Secretary as well in the Department of Education -- and now the Office of Elementary and Secondary Education, we are incredibly excited, incredibly excited, to have you be part of our team, to bring your experiences, to inform education policy across all areas, not just the Office of Elementary and Secondary, but all of the Department, and practice at the federal level.

We are grateful for your dedication to education and your willingness to continue your work, as well as your leadership, on behalf of Indian children throughout this country. As you know, the Department has taken very seriously its commitment to Indian education in the past year. We have conducted tribal consultations across the country as part of President Obama's directive to implement a tribal consultation policy and a plan of action for improving and strengthening relationships with Indian tribes. And you'll have further discussion with our Office of the Attorney General, which is Charlie Rose, later on today.

I was so fortunate, and I've told this story at the National Indian Education Conference, to be a part of the consultation in Anchorage, Alaska. And I need to say that that was an experience that I will never forget. Just listening and participating and hearing what the tribal leaders were saying about the work and the need to partner for the children, as Patsy mentioned earlier, and visiting a school where the Inuit Tribal Council has created a small learning community for students was just incredible. And seeing the students made it an amazing trip, because I saw that these students, like all students across the country, are the reason that we are here today and why I believe everybody on this stage gets up every morning, to have an impact in their lives.

So armed from what we learned from the tribal consultations, and with input, and we hope continued input from leaders like yourselves, we at the Department have taken major steps toward improving educational outcomes and plan to continue for Indian students.

I'll just mention something of a partnership that our office just participated in, and that was the partnership at the conference in providing technical assistance. And that was something that came directly from the consultations. It was said that we need to provide technical assistance and partnership. And so what happened was the Office of Elementary Secondary worked with the entire Department and you to put together a conference technical assistance program that by far exceeded our own expectations. So we know that partnering together can provide incredible results, incredible results that will help support the work for our children, for our Native American children.

Your work on the NACIE Board will be instrumental in creating more avenues of support for Native American communities, and in shaping our continued conversations around improving educational outcomes for Native children. It is true that we have a lot more to do to ensure that every child receives an excellent education, but I can think of no -- I can't think of any better partners than you-all to help us move forward with the optimism and the courage to do what needs to get done.

So I'd like to start off -- before we officially do the swearing-in and Deputy Secretary Tony Miller arrives, I'd like to introduce each one of you. And so we'll do that by starting up front. Okay.

First of all, I'd like to introduce Thomas R. Acevedo, and if you will please stand, so everybody -- he is the CEO for S&K Technologies, Incorporated. Previously, he served as the chief of staff for governmental operations for the Mohegan Tribe, and has served with the Council of Energy Resource Tribes and the Salish Kootenai Tribes of Montana. Thank you.

Gregory Anderson is the superintendent of the Eufaula Dormitory in Eufaula, Oklahoma. This is his second appointment to the NACIE Board, having first served and been appointed in 2002 under George W. Bush.

You'll have to excuse me. It was such a touching ceremony that Patsy did that I got a little -- Derek J. Bailey, if you'll please stand, is currently the chairman of the Inter-Tribal Council, and has recently been selected as a chairman of the Chippewa Ottawa Resource Authority, which is comprised of five tribes.

Robin A. Butterfield is an enrolled member of the Winnebago Tribe of Nebraska, has over 30 years of experience as an educator, and currently works as a senior liaison within the Minority Community Outreach Department of the National Education Association.

Robert B. Cook is the managing director of Teach for America's Native Achievement Initiative. He has served 20 years as a teacher and administrator in American Indian education.

Deborah Jackson-Dennison is the first Navajo woman in Arizona to become a public school superintendent of schools for Window Rock Unified School District, Number 8, also her alma mater. She has also served as superintendent for a Navajo Nation public school district in Ganado, Arizona.

Sam McCracken is the general manager of Nike's N7 programs and the chairman of the N7 Fund, which helps create access to sport for Native Americans and aboriginal youth in the U.S. and Canada. He is a member of the Sioux and Assiniboine tribes in northeastern Montana on the Fort Peck Indian Reservation.

Wayne Newell is not with us today and will join us later. He is a champion for the preservation of the Passamaquoddy language and a former NACIE member under President Jimmy Carter, and a former representative of the Maine State Legislature. He is currently serving on the Passamaquoddy -- and I practiced several times last night and this morning, too -- Passamaquoddy Tribal Council.

Mary Jane Oatman-Wak Wak was appointed as Idaho's first Indian education coordinator by Idaho's superintendent of public school education in 2007. She currently serves as a president of the National Indian Education Association.

Stacy Phelps currently coordinates the South Dakota GEAR UP and is the chief executive officer of the American Indian Institute for Innovation. He also serves on the South Dakota State Board of Education.

Dr. S. Alan Ray, who's on the phone, serves as the president of the Elmhurst College and a professor of both religious studies and political science. An Oklahoma native and citizen of the Cherokee Nation, he also serves on the advisory board of the Nation's Cherokee Language Immersion School.

Alyce Spotted Bear is the vice president for Native American Studies at Fort Berthold Community College, and a former high school teacher, principal, school superintendent, federal programs administrator, and a bilingual program director.

Virginia Thomas is a manager of the Muscogee Creek National Johnson O'Malley Program. She has worked with the JOM programs throughout the nation for the past 39 years.

Patricia Whitefoot serves as the Indian education director of the Toppenish School District on the Yakama Indian Reservation. She is also president of the Washington State Indian Education Association and the former president of the National Indian Education Association.

Let's congratulate, please, our new council.

[Applause.]

Okay. There he is, Mr. Miller. I'd like to introduce our Deputy Secretary, who is here today to do the official swearing in. And it's a real honor to have a Deputy Secretary Miller here with us. Secretary Miller was nominated by the President on May 18th, 2009, to be Deputy Secretary of Education, and was confirmed in that position on July 24th, 2009.

Prior to joining the Department, Secretary Miller had been an operating partner since 2007 with Silver Lake, a leading private investment firm with over 15 billion dollars in capital. From 2003 to 2006, Miller was the executive vice-president of operations with LRN Corporations, marketing provider of governance and compliance software and legal research. Prior to LRN, he worked for ten years with McKinsey and Company, where he was a partner in specializing in growth strategies, operating performance improvement and restructuring for companies throughout the United States, Europe, and Asia. He also did some work, when he was part of McKinsey, with the Los Angeles Unified School District, from 1997 to the year 2000. Mr. Miller has an MBA from Stanford Graduate School of Business, and a bachelor's degree in industrial engineering from Purdue University.

So, will you please join us on the stage to do the swearing in?

[Applause.]

## **SWEARING-IN CEREMONY**

MR. MILLER: Thank you, Thelma. I am really pleased and honored to be here today to share the stage with this very distinguished group and to be able to administer the oath of office. This is the oath of office that all of us have taken in our service to the Department of Education, so it's a shared oath and one which we all take very seriously, and I'm glad to be able to administer it today.

So if I could ask you-all to please stand? And please repeat after me. And if we have someone on the phone, well, speak loudly.

DR. RAY: Will do!

MR. MILLER: I, state your name, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic. That I will bear true faith and allegiance to the same, and that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

Congratulations to all of you.

[Applause.]

DR. MELENDEZ: We're going to call each one of you up to take a picture with a letter, framed, and with Secretary Miller and myself, okay?

MR. YUDIN: I'll do that if folks can hear me.

[Photos taken.]

Dr. Ray, when you come into town, we'll get you yours as well.

DR. RAY: Thank you.

DR. MELENDEZ: I'd just like to thank all of you and congratulate you once again. And I know that there's a lot of work that needs to get done, and I'd like to close with a little story.

When I was in 5th grade, I had the opportunity to meet a hero of mine. It was Senator Kennedy. And he was running for Presidential office. I didn't learn till later that it was during his poverty tour, and he went out to visit different areas. And it was right before the primary in California. So he came down the street, and as a fifth grader, I waited all day, and shook his hand. I shook Bobby Kennedy's hand. And then just two days later, I was broken-hearted, because he was assassinated there at the Ambassador Hotel.

But you know, I've never forgotten the feeling of hope that I had as a fifth grader, the feeling of hope I had in meeting him and the possibility of change that he embodied. And I want to share a very special quote of his that has meant a lot to me in my life.

He said, "It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man or woman stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he or she sends forth a tiny ripple of hope."

Well, this room is filled with that kind of courage and belief, and this Council is filled with that courage and belief. Every day, your work sends out a tiny ripple of hope for the next generation of our children. So thank you, and we feel very honored to partner with you, to make those ripples of hope become a tsunami for our children. Thank you so much.

[Applause.]

I'd like to introduce some people in the audience that are here joining us today. I'd like to start off with Kim Teehee from the White House, who's here in attendance also.

We have Jodie Gillette from the White House joining us. Colin Kippen, from NIEA. Stephanie Bridwell, from BIE. And Doctor Sherry Ellison from BIE. And I'd like those individuals from the Department of Education to please stand, so I can -- I know that we have Deputy Assistant Secretary Kevin Jennings, we have Maggie George, who you-all know, who is instrumental in our work here in the Department of Native American Students, and it's a pleasure to have you here today. And we have the team from the Office of Indian Education there.

We have a representative from the Office of Legislative Affairs, and we have as I mentioned, Charlie Rose that will be speaking to you this afternoon from the Office of the Secretary, is here as well,

and also Don Yu, and then from my office, Carolyn Webb de Macias and Michael Yudin. So if I missed anybody -- oh, I'm sorry, and Susie Anderson is the White House liaison. Thank you.

[Applause.]

MR. YUDIN: Are we going to do the closing blessing?

DR. MELENDEZ: Yes.

MR. YUDIN: So at this point, I'd like to bring up Michael Nephew to provide us with the closing blessing.

[Prayer.]

If we could just have our esteemed colleagues get together for a group photo, that would be great, with Dr. Melendez and Deputy Secretary Miller, and we will reconvene at 1:30.

(Whereupon, a recess was taken.)

## **NACIE PUBLIC MEETING SESSION I, DAY 1**

MS. LEONARD: Good afternoon, everybody. We're ready to officially start the afternoon session. I just wanted to -- before we delve into the business meeting, I wanted to do a couple things. One is wanted to do some housekeeping chores, as well as -- remember I said to you that we would talk about walking through the agenda? So I wanted to walk you through the agenda so that you would know what's happening and just kind of get in your minds how we're going to move through at least the rest of the day, and then what is on the agenda for tomorrow.

One of the things that I did want to make you aware of is that we do have a couple of people in the room with us, Department of Ed. Crystal Martinez, here, is with us and she's in the Office of Legislative and Congressional Affairs. And of course you know Karen Akins who is the FACA person who you worked with this morning.

So, housekeeping chores, let me just say to you, certainly for the session, we have our court reporter here, and she needs for us to speak into the mic so that she can get every word on tape, and she's also --

COURT REPORTER: Taking notes.

MS. LEONARD: Taking notes, okay. So let's just be mindful of that. As well, the mics in front of you, just press the little gray button that turns it on and off, so as you complete speaking, then you can press it off.

I'm thinking that it is -- the range is wide enough for it to take in two to three people, so you may not have to do like I'm doing, which is moving it closer to me. We just might let it stay stationary and you can hear.

Does that work for you? Can you hear me?

COURT REPORTER: Yes, I can hear you fine. Thank you.

MS. LEONARD: Okay. Okay, great. And also, we will have Alan Ray on the phone, too; he will be participating as well. So that's one thing.

Housekeeping. Let's just look at the agenda for a minute. What we're going to do is we're going to be in the business meeting session from 1:30 to 2:45. And then, we're going to, at that time, go over to the Department of Ed, LBJ Auditorium, because we're going to participate in the Native American Heritage Program. And at that point -- Patsy, you are on the program, right?

Patsy?

MS. WHITEFOOT: Yes.

MS. LEONARD: Yes. And I think, too -- we'll just have to check, but I think we should have reserved seating for you. And I think at the program that you're going to be also introduced as the new NACIE Council members. So it should take us like 15 minutes to get over and get seated, and then we're going to be there from 3 to 4. The program is from 3 to 4, and then we will return here. So we're saying from 4:00 to 4:15, that will be our travel time back here. And when we return, then what we will do is, we will move to elect a chairperson and a vice-chair. Okay?

Now, we're thinking and hoping that it'll get done between 4:15 and 5:00, but I just want to give you forewarning that it may go a little past five, okay? But today, we do have to -- by the close of business today, we just want to make sure that we have a chair and a vice-chair elected because on the next day, we'll start out with a closed session, and the chair is going to lead that session. So we'll turn it over. Right now, I'm the person until we have a chairperson, pretty much kind of facilitating the meeting and the discussion, but tomorrow, I'll turn it over to whoever the chair is going to be, and the chair will facilitate all of the sessions. I am here to simply facilitate, assist the chair. Okay?

The other thing that I need to share with you is that at the close of the day, I will give you some confidential information for you to study tonight for the closed session tomorrow. Okay? So I'll put that in your hand as you leave today. It's for the review of the candidate for the Director for the Office of Indian Ed. Okay?

So the closed session tomorrow is from 8:30 to 10:45. We'll have a 15 minute break before we go into the public meeting that begins at 11 o'clock, and at 11 o'clock, that's when the chair -- well, the chair will take over the public meeting as well, and that's when you'll begin to start to discuss your business as to how you're going to meet your obligations and responsibilities in terms of preparing, developing your recommendations that will eventually go to the Secretary, as well as to discuss the report to Congress that the NACIE Council is responsible for delivering in June. I think it's June 30th. So, I want you to think about that as we move forward.

I think that's all of the housekeeping chores that I've been asked to share with you. So, we'll now move into this session.

So we have two people here. We have Charlie Rose, our general counsel.

Can I give a little introduction for you?

MR. ROSE: Sure, if you want. Sure.

MS. LEONARD: This is going to be all of 30 seconds.

MR. ROSE: That's fine. Thank you.

MS. LEONARD: Yes?

MS. WHITEFOOT: Before we go into that, I just have a need for clarification. As I reviewed the charter, it stated that the President appoints the chairperson.

Can you clarify that for me?

MS. LEONARD: In the past, for the boards, it's been -- that designation has been given to the Council, for the Council to select the chairperson.

MS. AKINS: We're going with the precedent that (inaudible -- off mic).

MS. WHITEFOOT: Okay. I just wanted that clarification. Thank you.

MS. LEONARD: Okay. So I wanted to introduce Charlie Rose, general counsel, the U.S. Department of Ed. And Charlie is the designated point person for the Department on Indian Education and all matters related to Indian Affairs. And that appointment came as a result of the directive from the President last November 5th, where the Department was -- well, all agencies were asked to put together a plan of action for how each agency would go about conducting meaningful tribal consultation meetings. And one of the requirements was that the Department would designate the key person, the key spokesperson for each agency. And so Charlie Rose has been designated as that person, and he speaks on behalf of the Secretary of Ed.

MR. ROSE: Okay.

MS. LEONARD: Okay? So I'd like to turn it over to --

MR. ROSE: Oh, and you've already introduced Michael from earlier?

MS. LEONARD: Oh. And Michael Yudin is the Deputy Assistant Secretary in the Office of Elementary and Secondary Education. And let me just take 15 seconds to introduce him again.

Michael is the designated person in the Office of Elementary and Secondary Ed who represents all matters on Indian ed, who works directly with the Office of Indian Education, and more broadly with all matters related to Indian ed and Indian affairs across the Department for the Office of Elementary and Secondary Ed.

I'll turn it over to Charlie.

MR. ROSE: Okay. Well, good afternoon, everybody, and congratulations. I can't tell you how happy I am to see the NACIE Board constituted. There's so much work to be done, and we really need the benefit of your advice, your counsel, your wisdom, and your energy in moving forward here. So it's a very happy day for all of us at the Department to have you together finally, so we can move forward together.

What I'd like to do is share with you what the Department has been doing in the area of Indian education in response to the President's White House Tribal Nations Conference. And I'll give an overview, but I think it probably would be more productive to have a conversation and respond to your questions and that type of thing. So if you'll just indulge me for a few minutes while I provide some context, then we can delve into some of the specific areas that you might be interested in.

I'll also say on a personal note that I've had the opportunity over the last year to meet many of you and work with you on our tribal consultations, and it's been a very enjoyable experience, a very humbling experience, and, for me personally, a very intense growth experience, you know, in terms of seeing the challenges that we've had in Indian country to improve the state of our education system.

So what I'd like to do is three things in these remarks, share with you how we've responded to the President's memo, tell you a little bit about what we've heard at our tribal consultations, and number three, share with you some specific initiatives that we've undertaken here at the Department of Ed.

So all of you know that in November of 2009, the President hosted the historic conference here in Washington. And from my perspective, and I think from the Secretary's perspective, what was tremendous about the conference was the outgrowth from the conference. And I think one of the reasons there has been such a follow up on the part of the federal government as a result of the conference is that the President issued shortly after the conference a memorandum. And unlike certain types of presidential memorandum, this memorandum was very specific and very comprehensive, and it made crystal clear, on behalf of the President, that he wants action.

So in response to that memo, and in accordance with that memo, we developed a plan of actions and submitted that plan of actions in early February, as many other federal agencies did. And we, in fact, had that plan of actions approved, and we have an update that we have to file relatively shortly.

At the heart of the plan of actions and I think at the heart of the President's memo is tribal consultation. And that consultation is to take place on a nation-to-nation basis, rooted in the principle of self-determination. And at the Department of Ed., up until this point, we had never had tribal consultations with the tribes in the United States. So we, over the course of the last several months, engaged in six formal tribal consultations. We've had some informal consultations, and we actually had a seventh – not formal consultation, but one in North Carolina for state tribes. But we held six formal consultations, Anchorage, Alaska; Shawnee, Oklahoma; Pine Ridge, South Dakota, Santa Clara Pueblo in New Mexico; Window Rock in Arizona; and Puyallup in Washington.

At each one of those consultations, we had representatives from the Bureau of Indian Education, and in many of them, we also worked with them in collaboration. But for me, one of the most gratifying aspects of these consultations is that they were hosted by tribes, and that, I think, sent a strong message. These weren't consultations in which we, in essence, dictated places where we would be and then expected people to come there. We worked with the tribes in order for the tribe to host the consultation on our behalf and in accordance with the President's memo. And I think that fundamental approach made all the difference in the world, to hold those consultations on tribally controlled lands.

We did send decision-makers to these consultations. I went, the Undersecretary went, Michael went, Thelma Melendez, who you've met, went, Kevin Jennings went. We are people at the Department - - Jenelle and her staff were there at all of them – who have the authority on behalf of the Secretary to make decisions.

So that's the first point I want to share with you, that we did take to heart the President's memo seriously. We did engage in an unprecedented effort here at the Department of Education to engage in these consultations. And again, I'll just underscore the point that I think what made the difference is that we worked together with the tribes, to have the tribes host them on tribally controlled lands.

So what did we hear at these consultations? We heard the tribes want more control over their children's education; not just control over the education that occurs in BIE schools, on reservations, but more control over the education that occurs in public school districts. As all of you know, roughly 6 percent of American Indian children attend BIE schools, the other 94 percent attend our regular public schools. And the message came through loud and clear, the tribal education departments, tribal education agencies, tribes as a whole, should have a greater voice, not just in the BIE schools, but also in our regular public schools.

Second, we heard that Native languages and cultures are increasingly threatened by extinction in this country, and that if Indian education is going to improve, there must be an effort to preserve and expand Native languages and cultures, not only in BIE schools, but also, again, in our system of regular public schools in this country. And that kind of education should not just focus on Native American youth, but it should also be focused on non-Native people, that in our regular public schools, children who are not, students who are not American Indian, should also be receiving education about American Indian culture, about Native American history. So it wasn't just a one-way street, it was a two-way street.

Third, we heard the need for capacity building. Most notably, we heard that in connection with facilities, with transportation, particularly in the rural and frontier areas, but it's also an issue in urban areas. But we also heard the issue of capacity, not just with facilities, but also with human capital.

There was a strong, strong message that came through that we at the federal level need to do more to work with states and local school districts to ensure that more Native American adults in this country are certified as teachers, particularly language teachers, but also history teachers, science teachers, mathematics teachers, that we need a much greater presence, again, not just in schools where the majority of youth are Native American, but also in schools where there are non-Natives of Native American teachers.

So there was the sort of traditional way in which we look at capital; facilities, technology and the like, but that capacity building was a much broader issue in terms of human capital. And then finally, dialogue is not enough, that we need action, period, and that the Department of Education, the Department of the Interior's efforts will be judged, and we will be held accountable based on our actions, not our words.

So we heard many things, and we can talk about those issues. But the four sort of overriding themes that we heard was greater control and involvement of the tribes in education in this country, not just BIE schools but regular public schools; second was Native languages and cultures, the acquisition, the preservation must be pervasive, again, not just in BIE schools or schools which have a

majority of Native American attendants but also in our regular public schools. Capacity building was the third and that we've had enough talk; we want action.

So the third point that I'll share with you is a few of the things that we've done here. And this is why I'm so excited that the Board has finally convened. There's no secret that the relationship between the Department of Education and the Department of the Interior has been relatively dormant over the years, and that there is a power that can be used if that relationship is solidified and that relationship is used together to improve the state of American Indian education.

To that end, we've had two meetings with Secretary Salazar and Secretary Duncan, one over at Secretary Salazar's place and one over at our place. And those meetings were formal meetings, an hour long each, in which we focused on what we as two departments working together can do.

Below the secretarial level, we've had many other meetings. Whether they be informal meetings on the consultations or formal meetings at our department or their department, but we have established, I think a very, very close working relationship with the Department of the Interior and vice versa. So that's number one, that we are attempting to act on the message that we heard about the relationship between DOI and the Department of Ed.

Second, on some of our grant programs and Promise neighborhoods, we did put a preference in for tribes, and the Boys and Girls Club of Northern Cheyenne did win a Promise Neighborhood grant. i3, we did have a competitive preference, and one tribal applicant was selected to replicate the BIE FACE [Family and Child Education] Program.

I just want to underscore how significant that is. We had almost 1,800 applicants across the country for the i3 grants. It was incredibly competitive. The evidentiary bar was set at the highest level it had ever been set for a Department of Education grant competition, and only 50 winners were announced as part of i3. And to have the BIE FACE Program be one of those 50 winners I think is a pretty extraordinary accomplishment.

We also held the first ever technical assistance workshop, an all-day workshop at the NIEA Conference. We had about 20 to 25 people from the Department of Ed come out, focused on a wide variety of initiatives, including grant writing, which is an issue that we heard on our tribal consultations.

So we are trying to act on what we heard. There's no question that we have a long way to go, but we are starting the process of building into our competitions competitive preferences for tribes and we are starting to elevate our presence and provide technical assistance.

The final thing I want to share with you before I stop talking and we have a conversation is ESEA reauthorization. We, as all of you know, are in the process of pursuing that. And it didn't happen in 2009, it didn't happen in 2010. We're hoping it happens in 2011. The reason I hesitate is I was going to speculate as to the impact of yesterday's election results, but I don't think I should do that. I won't go down that road.

But nonetheless, I do want to say in that regard, though, that even though the House of Representatives have shifted to Republican control, we at the Department of Ed have tried to position our approach to ESEA as a bipartisan approach. And we hope that that positioning that we've taken over the last year and a half towards ESEA reauthorization will help us as we move forward with the new Congress. And we are optimistic that it will help us in that regard.

So the fact that we saw what we saw yesterday is not deterring us and, in fact, I think, may open up opportunities to us that otherwise wouldn't have existed to push ESEA reauthorization. So that's going to be an active topic; it's something we're going to need your help on.

As far as the substance of ESEA reauthorization goes, again, we can talk about that in more detail, but we do intend to include a proposal for a pilot program involving TEDs or TEAs. We do want to consider a requirement that states consult with tribes when using federal education dollars. We do want to propose increased flexibility under Title VII. Those are some specific things related. However, some of the broader changes that we want to see through ESEA reauthorization, such as teacher quality, and also the distribution of teachers certainly affect schools where there is a presence of Native American youth. Our approach to turning around the lowest performing schools certainly has an impact on schools where there is a presence of Native American youth and the like.

So to sum up our involvement here at the Department, number one, our involvement has as its catalyst the historic conference that was held in November 2009; just the magnitude of that conference -- and by the way, the Secretary did participate in the conference -- but also the follow up that the President through his actions is demanding of us. But it's important for all of you to know that at the Department we have taken to heart the nation-to-nation approach that the President wants us to engage in, as well as the underlying principle of self-determination. So that's number one.

Number two is we are listening. We're listening very closely, and we are reshaping our agenda to reflect what we've heard at the tribal consultations. But we are mindful that in the end, talk is not what we want. We want action, and we want results that result in a system of education that is increasing the graduation rate that we see among Native American youth, that is seeing Native American youth that graduate from high school go into college and graduate from college and pursue their destiny.

So that's an overview of what we're doing here at the Department.

MR. MCCracken: Sir, thank you for your time today. I just have a couple of questions in regards to, within your tribal consultations traveling throughout the locations you did, did you hear from the tribal leaders at all about the inactivity of our youth and what that means to them? And the fact is, us sitting around the table know the high rates of diabetes within our community and our population, and just curious if you heard anything echoing from our leaders around trying to create opportunities for our kids to be more active.

MR. ROSE: Yes, yes. Several of the consultations, we did hear that, and it came up in a number of contexts. One is it came up in the context in which you're describing, which is the health of the student and addressing the high rates of diabetes. It also came up in the context of the First Lady Let's Move Program, but it came up first as really a public health issue, and that we need to work with Health and Human Services and other agencies. Health and Human Services has HeadStart. We need to work the Department of Agriculture in the School Lunch Program and the like to address these underlying health issues.

The second way it came up was, interestingly enough, in the context of ESEA reauthorization. One of the criticisms of ESEA is that we've seen a narrowing of the curriculum, with such a focus on

standardized testing, which also had some unique issues as it applied to Native American youth, but such a focus on standardized testing resulted in this narrowing of the curriculum. Not just art and music and social studies and the like has suffered, but also things like recess and after-school activities and the like have suffered, which have an impact.

The third way in which we've heard about this issue was in the context of the graduation rates, and that the -- sort of the lethargy or the apathy or the inactivity of many youth that we see leads to this culture of defeatism or a lack of ambition, and that attitude -- I'm not talking about the physical aspects of it, I'm talking about the mental aspects of it, has a very different ramification, and that we in the public school system need to do a much better job of addressing not just the physical aspects of it, not just the curriculum and the structure of the school day, but the psychological aspects of it, unleashing the power of the intellect and spirit of the Native American youth, so that they do have that ambition and that drive to achieve.

So across those three aspects is how we heard in the tribal consultations this issue of the health of our Native American children.

Yes?

MS. BUTTERFIELD: Yes. Could you say a little bit more about what the Department has done to survey the interests of the 94 percent of Native children attending public schools, especially since it doesn't sound like many of the hearings, or the consultation hearings really involved very many urban programs?

MR. ROSE: Right.

MS. BUTTERFIELD: And they do receive significant amounts of funds

MR. ROSE: Right.

MS. BUTTERFIELD: And I have directed one of those programs and am keenly aware of how difficult it is to galvanize additional title resources on behalf --

MR. ROSE: Right.

MS. BUTTERFIELD: -- of Native kids. There are supplanting issues and those kinds of things. But I'm curious as to how you gathered input from that folk and constituency.

MR. ROSE: I'll make a couple of comments, and then maybe Michael and Jenelle can comment on this as well. I think, Robin, you raise a very good point, and I think while we've done a pretty good job on the tribal consultations, I think -- and we've been talking about this at the Department, you know, what's next? And, again, that's one reason why I'm so glad that this advisory council has now convened, is we need to do a better job of surveying or talking to -- whatever the vehicle may be, a consultation so to speak, in the urban areas and the suburban areas. We didn't do that, and we don't have like a formal survey vehicle, if that's what you're getting at, to assess those interests.

I think we need to go to selected urban areas around the country where there are a significant population of Native American youth, and sit down with those students, their parents, the tribal leaders, if you will, in those schools, in those areas, the principals, et cetera. We did visit some regular public schools around the country, and in some of our consultations, many of the regular public schools did come, but that wasn't the focus on it.

So it's a point that is well taken. It's a point that we need to act on, and I think it's a sort of a good next step for us.

MR. YUDIN: Yes. If I could just add to that. I completely agree with you, I think that's an incredibly important issue. When we did our listening session in North Carolina, because it wasn't an official tribal consultation, actually, there were a number of folks from urban areas in North Carolina that did indeed represent the various issues that you're talking about, the challenges of urban kids, like in Charlotte and around the state. So they definitely had a voice in the North Carolina meetings that we held.

But I think your point is right on point. One of the primary focuses of our technical assistance workshop day at the NIEA conference was to do just that, was to say, you know what, Title VII is a great and a critically important program, but we have 14 and a half billion dollars in Title I that needs to be leveraged. And those are the accountability provisions, and that's what's going to hold school districts and states accountable for the educational outcomes of our kids.

So we had folks from our standards and assessments team, we had folks from our Title I team, we had a number of folks from OESE and across the department. We had Office of Special Education, we had early learning, we had higher education, and it was to do just that. It was to change -- to broaden the conversation a little bit more to say, you know what, there are these other resources, there are these other opportunities. Comprehensively, how do we start engaging these other components to improve outcomes for kids.

Jenelle?

MS. LEONARD: So, let me piggyback on what both Charlie and Michael have said. And to your point, Robin, during the tribal consultation meeting, there were statements made about the 96 percent of Native American kids who attend public schools. And the thing that I think we heard was that there's tension between the tribes, the parent advisory committees, and the superintendent. There were superintendents who attended the tribal consultation meeting, there were state department of ed people who attended, and they, too, shared those concerns. And so, as we listened, what we brought back to the Department, and certainly to the Office of Indian Ed, is those kind of concerns.

The thing of it is we were just in San Diego, and we did a workshop on the -- well, Title VII, let me just say that. And two things we heard. Certainly from Doreen Brown in Alaska, we heard how things -- well, one, she wanted us to do an audit on the system because the monies might not be being appropriated appropriately and that Native American students may be not receiving all of the benefits of those funds.

So all of that we hear. We bring it back to the program office, first. Well, first it comes to the attention of the Assistant Secretary -- Michael was there -- but, secondly, in the program office, we began to look at how then can we start to address it within the program office? And certainly it's talking

about the formula side of the Title VII program, the ones that receive about -- where we make 1265 awards to the LEA public schools.

So what we have tried to do and what we are going to do is we're going to provide technical assistance. We're really targeting the superintendents, the superintendents of those LEAs. And we think it's time to do some TA 101, in terms of what the program is intended to do to make sure that it's being carried out the way that it's supposed to be carried out, that those services are going directly to serve Native American kids. And so, we have to do a better job at compliance and making sure that those funds are intended to do -- that are being used for the purposes for which they were meant.

So one of the things that we certainly want to do, talking about urban, is that we want to target those districts that are receiving the largest amount of funds, like, I think Alaska may be either one or two -- either number one or number two receiving the funds. They're receiving \$2 million. We want to certainly have conversations with those superintendents to ensure that those services are being delivered directly to the Native American student.

The other thing, too, is that the types of programs. And that it's not just an employment agency -- do you know what I mean -- but they are direct services going to the kid. So that's what we're doing, and that's on our agenda of things to do during this fiscal year in the program office. And with your guidance, your advice, your recommendation, you can help us in terms of how we guide, how we deliver, and how we make sure that we put things in check. Okay, and make sure that the programs are being carried out. So that's one of the things. I have a couple other notes.

MS. THOMAS: Jenelle, I have a question. Back to this issue of the tribal consultations and that you have this plan, now, how are you getting this back to the people to let them know what steps you're taking on their recommendations?

MS. LEONARD: Well, one of the things, at the technical assistance meeting, that's what we announced to the people that were in the room who attended that session that that's what we're doing.

MS. THOMAS: What if they are not able to attend these sessions -- and they have small grants, but they're still viable grants, and they're having trouble too. How -- I know when we've had consultations in the past, there was no response back. Now I'm worried about the response.

It sounds like a wonderful plan that you've got. You've got a vision, response to the future for what you're planning to do. How are you planning to get this out to the people? Is it going to be on your website? Is this what the plan -- the outcomes of these consultations?

MS. LEONARD: Well, let me just tell you. For the 1,265 school districts that receive funds, they will receive direct communication from the Office of Indian Ed. And the thing of it is that we're going to tier it, because we know we can't cover all 1,265, so we're going to start with the top 100. And what we're going to do, to just kind of walk you through this, is that we have the National Activities funds, so we're going to have our contractor to set up this call center, where we can take -- and we haven't really worked through the details of whether it'll be 50 superintendents on the phone or 100 superintendents on the phone, but we want to do the technical assistance with them, so they'll get the direct communication. And then we're going to move further down the line.

So you can imagine that it's going to take us a year to really get to all of them. But the intent is to move in that direction, but to start with the first one hundred, so that we can get the message out.

We know, because we heard it at the meeting, that because there are so many former grantees they know that the Department can't get to all 1,265 of them. So they just take -- some of them just kind of run the risk of doing something that may not be in compliance. But trust me, we're going to have our program officers to really pay close attention to this.

So that's just with the program office, but the other thing that we want to do is, we want to come up with the best strategies for -- how can I best say it -- for improving this relationship between the parent advisory committees and the superintendent.

We really need help there. We need to figure out how can we improve that relationship, because if you have the parent advisory committees in place and really empowered with the responsibilities that the statute affords them, then they too become the eyes and ears.

I can tell you, we had a situation in Seattle. And, Patsy, you being in Washington, you know it's all in the press. And what we did is we took a team out, and we met with the administration, and we met with the parent advisory committee. And we corrected the situation.

So when it's brought to our attention, we're there. I just want to let you know that it's a proactive approach to trying to get at the heart of these issues, and I'm hoping I've answered your question, Virginia.

MS. THOMAS: Kind of.

MS. LEONARD: Okay.

MS. THOMAS: So the strategy that you have planned, is this going to be like on the website? Because -- an example. If I was in a small school district -- because I have 47 school districts with just in Creek Nation boundary. I should serve 70. And most of them have Title VII programs. And some of them are real rural schools, very small schools, who would probably not be in the top hundred.

MS. LEONARD: Yes.

MS. THOMAS: But they are still as impacted as the 100 are. And those children are still as equal as those children who are in the 100, and maybe my only access is your website. And if I was at the consultation and you say that we're going to do this, how do I know when there's follow through?

MS. LEONARD: Right.

MS. THOMAS: And if it's on the website, and you say, this is our plan of action, this is what we heard from you, and this is what we're going to do, that would make me feel like you listened to me. That's just good policy; because administrators, the bulk of them are non-Native, but the parent committees are. And when they get a call -- I'm sure most of us here get a call at least once a week from a parent committee that says, what do I do, you know, what's happening with this, what can happen, we can just say, you know what, get on this website, you know, check this out, this is their plan, they're working for - - because you've got people here that can be the advocate of this department.

MS. LEONARD: Right. And we will do that.

MS. THOMAS: Allow us to do that. You're asking to work with us?

MS. LEONARD: Right.

MS. THOMAS: This is one way that we can be your advocate.

MS. LEONARD: And we will do that.

MS. THOMAS: And if we can have a response back from these consultations -- because if we tell you our story -- and I've been at some of these consultations, and there are parents that come and they're tearful. You know, this is what's happening; this is what's happening in my school; this is what the school district is doing; this is what the superintendent's doing. My children are suffering. And you're hearing this, and how do I know what recourse that you are coming back, except for communication? And maybe the only communication is that website or a portion of that website that says parents of Indian education committees, look at this.

MS. LEONARD: Uh-huh.

MS. THOMAS: We heard you. This is our plan, this is our strategy, and this is what we want to do. That would make me feel more comfortable, knowing that someone listened and that there's follow through.

MS. LEONARD: And we can do that. Thank you for that suggestion. We will do that.

MR. ROSE: Just a couple quick thoughts on this. In our conversations that we've been having at the Department after these consultations, one of the issues that I wanted to raise with the Board is exactly this issue. The tribes were incredibly helpful to us in structuring the consultations themselves, including welcoming us on tribal lands and working with us and in every aspect of the consultation. And we wanted also to get the follow through right, because, really, that's where it is; you know, what kind of actions, what kind of communications do we have after these consultations.

We really could benefit from your advice in that regard. Certainly we need to use technology better as a vehicle for communications. We certainly are willing to go out again and meet with the tribes, whether it be in formal consultations or in urban settings as you're suggesting, too, as a follow up.

So there are communication vehicles we're willing to pursue, and we'd really love the benefit of your advice, but we also would love the benefit of your advice and counsel on the substance of these communications. You know, is it like a report, is it a plan of actions, too, you know, what's the substance of what we need to do in the next two or three months to just get the message out there.

MS. WHITEFOOT: I'd like to just add, if I may, you-all have had the opportunity to -- well, many of you attended the National Indian Education Association Convention, and I just wanted to share that NIEA was at many of these hearings, if not all of the hearings. I just wanted to point that out. And we had the opportunity to also listen to the comments that were made.

At the convention, we heard the call to action by Dr. Gerald Gipp. And I think that's a good stepping point for us to all be collaborating together on that call to action that he echoed so eloquently to all of us. There's a challenge to all of us in Indian country to combine our forces, to address the holistic needs of Indian education for our children and our students.

I also just want to remind us, though, that in our programs and our communities and in our tribes that over the many years, since the Indian Education Act was authorized, the types of funding that we've received has been supplemental funding, and the lowest of the low in federal dollars for education. So that's true of the Department of the Interior, having worked with those funds. It's also true of the Department of Education.

So I just think we need to rethink that funding element, too, because it's through our role as parents and our communities that we somewhat came up through Indian education over the years, that you didn't have the necessary resources early on, and still for Indian education 40 years later, you're still at the bare bones of funding.

I think that's a major issue that needs to be taken a look at, is that funding allocation for Title VII, and at the same time for that Title VII supplemental program. And since these conversations are going on with the Department of the Interior, it's the same conversation that needs to go on with the Department of the Interior [sic] as well, because these are all supplemental funds that we have.

Yet, in our school districts, we also have the opportunity to possibly be involved with Title I or migrant education, or safe and healthy schools, all those kinds of things, that's not always true. And the place where people feel like they belong is with our Title VII Indian education programs in our school district. And I appreciate the fact that our superintendent from Toutle school district was here, Mr. John Serna (ph), because he supports the work that we're doing.

We're in a very diverse community. We also have to recognize that. Having taught both on the Navajo reservation and also on my reservation, our communities are growing. The diversity is growing also in our communities, as well, and so that's something that impacts us, too.

I think over the years that we as Native people have been doing a good job of following the menu, so to speak, of education. We've been doing that, but it takes time to build that capacity. I mean, how many years have the Department of Education people been here? I mean, I don't know. Do you know how long you've been in the agency?

I mean, I look into the agency; and how many years have those individuals been in the agency? I don't know, and I don't want to have this type of conversation again. We should not be coming back. And I'm certain that NACIE, the people that were here before that are having this type of conversation, all you have to do is take a look at the reports over the years, and we're saying the same thing.

We really need to take action. And that call for action that Dr. Gipp so eloquently presented, I think was our call to action, plus much more that needs to be done as well. And this morning when I began talking about -- you know, I'm looking at everything that is provided to us, and as I looked at the agenda, I saw one that said candidate interview. It didn't say candidates. So I don't know what that means, and so I'm beginning to question, well, what's going on here? I mean, it's been how many months now since that position has not been filled? It appears -- we may be dragging our feet.

I mean, I don't know what this is all about, so I'm asking all of these questions to get clarification on all of these questions that are going through my mind, similar to the previous ones. So the more you

can help to clarify that for us I think would be very helpful, so that we can move forward and begin to work with the organizations that we're working with, too, so we're all coming out with some consistent message of how we're going to be moving forward.

I think that -- I feel somewhat optimistic, but at the same time, having been through tribal consultation several years with the Department of the Interior, in particular, it can be challenging, to say the least.

MR. YUDIN: If I may respond to a couple of things? We're going to talk tomorrow about the director position. We have a couple hours set aside for closed sessions to discuss the position. But I wanted to get at some of the bigger issues that were raised, as well.

The funding issue is an incredibly important issue, and we have to be cognizant of the larger political contexts we're in and are we going to see significant increases to Title VII. I'm going to guess we're not. I'm going to guess we'll be lucky if we can keep what we've got, given the fiscal climate that we're in. But what I think is critically important is what you said, Patsy, is that it is supplemental.

So what I would love to learn from you-all is, moving forward, how do we leverage everything we can leverage? And then once we figure out what those are, whether they be Title I or Title III or Title II dollars, or state and local dollars, or whatever those resources that are available, if we can identify what are those best means of doing it, then what we need to do -- and this is something that we're doing in the Office of Elementary and Secondary Education, is we're really, really focusing on capacity building and technical assistance.

So what we want to do is create these professional communities of practice, and we'll need your assistance on it. So this is the greatest example, right? How do parent committees work better with school districts to leverage Title I dollars? Let's identify an issue, let's identify best practices; you can help us do that, and we can create these communities of practice that we can share, whether it be electronically or figure out other means of doing it, but that's exactly what we want to do, moving forward.

MR. COOK: Well, I'm real happy that we have this opportunity to sit down, and I know we've got a full agenda and things, I'm just chomping at the bits, wanting to say something real quick. But I think one is with the consultations, and we had the honor of hosting one at Pine Ridge. I think that the NACIE Board can be a big support system for that. And when Robin and I were on the NIEA Board, we hosted BIE consultations. We had one in I think five or six different locations, and we were able to use the testimony to be able to put together the transition papers for the new administration to get ideas that were coming from the grass roots.

So I think being able to utilize us in that capacity, having, for example, the NACIE Board -- holding a consultation hearing, maybe piggybacking on the NIEA convention would be one way to do that, because we're here representing our constituents back home. We represent Indian country, and so it would be disingenuous of us to be up here to say we're representing but not actually hearing from who we represent in the grass roots level. So I would recommend that.

The technical assistance is truly something that's really been missing in Indian country. I can give you an example. In the community of Rapid City, South Dakota, where we have a tremendous

dropout rate of Indian students, the Title VII monies that do come into the district are not being used in many of our school districts in the way that they're supposed to be utilized to provide for the unique educational services for Indian kids. And so many times that school district supplants the Title VII dollars that have our valuable Title VII resource people who have teaching degrees, who have master's degrees, answering phones, supervising the playground, supplanting what the school district should be doing with their hard dollars and not providing for this quality of educating our both Native and non-Native students in the public school systems and assisting the teachers to integrate lessons into that, that will integrate the language, history, and culture.

When we bring it up, our Title VII directors are fired from the school districts, or we're not provided the technical assistance. Our parents' action committees don't know who to turn to; there's no assistance for them.

I think one of the things is we have to educate those building principals. That's the key, is the building principal, because they're the ones who provide a professional development for the teachers; they're the ones who are there day to day. They're the ones who can do the meat and potatoes part of what we need to have done. So having a principals technical assistance of educating them, what is Title VII, how it can be used, what it should be used for, what the law mandates it's supposed to be used for, that's going to be really important.

MS. BUTTERFIELD: I'd like to just sort of add a little bit to that, because I guess I was wondering if in the consultations that you had with the tribes, if they mentioned strategies for capacity building. I think that's been one of the greatest losses that I've witnessed in Indian ed, is the lack of support for those programs, for the parent committees. We used to have I think it was six regionally based technical assistance centers that worked directly with superintendents and departments of ed.

So if we cannot get that back, then what other infrastructures are there? There's the Department of Ed., and MJ can speak to what she does from that level, but I remember what I did at that level. There are the regional labs and centers. There are systems in place that provide different types of technical assistance, that could be geared up or expanded to -- I want to piggyback on Patsy's call to action, is that everybody needs to put Native education at the forefront; because to me, a win there, with a smaller population, is a win for everybody. It shows what can be done if we can leverage, as you said, those kinds of resources at various levels that are actually in place to do some of those kinds of supports.

My opinion of the comprehensive centers that came into place to support the title programs -- I believe it was under ESEA -- completely ignored Native education. It evaporated completely. So there was no support. And I think that working in a district, it felt like there was language in Title VII that said you need to collaborate it and coordinate it with other title programs, but the language wasn't in the other title programs saying you need to involve and engage the Native communities. And so, we felt like we're knocking on the door, but nobody was answering.

So to bring that sort of a dialogue back into play would be a critical piece of technical assistance and capacity building.

MS. LEONARD: And Robin, let me just follow up with that and say that during the tribal consultation meetings, we heard that loud and clear. And it's not so much bringing it back into play; it is in play. Ever since we've come back, we have -- and I'll let Charlie talk about the Indian ed -- what do we call it, the advisory team that we have, and the issues that we're working on.

But one of the subcommittees was the technical assistance efforts, and both Kevin Jennings, the Assistant Secretary for Safe and Drug Free Schools, and myself lead that committee.

So a couple of things that I want to make you aware of. One is that, certainly, in terms of reauthorization, there has been a lot of conversation about moving forward, what are some of the technical assistance strategies that we can put in. And I say strategies, but really what I'm talking about is services, and what does that look like, following up on what we heard during the tribal consultation meeting.

So the language is there, and, certainly, Charlie's office, Don Yu, have been really working very closely and bringing in the TEDs and bringing in other groups to talk about technical assistance and what that would look like going forward. So that's one piece.

The other piece is that Michael and I have been working on the FY2011 budget, and we've been working on the spending plan. And what we're looking at is we're looking at, I'm going to say providing roughly, I'm going to say 800,000 to a million dollars, putting it toward technical assistance.

So since we can't create technical assistance centers right now -- and a lot of this is it's going to be how you advise us on what to do next and kind of explore what the options are and the ways that would be best to provide technical assistance. But let me just talk about FY 2011.

What we're thinking about doing early on is how do we use these dollars to provide technical assistance through the existing structure that we have. And the existing one is the comp centers. So let me just say that another hat that I wear is I'm responsible for the comp centers. And so it is how do we supplement the comp centers to provide the technical assistance service and not to let those dollars get lost. Do you know what I mean? To make sure that it is direct service for Indian education. And so, that, you can help us to ensure that those dollars don't get lost. So that's a piece going forward.

But then for the FY12 budget, hearing what we heard at the tribal consultation, the question has been -- because we hear two or three different versions -- do you create technical assistance centers? Do you go back and reestablish -- kind of reestablish the ones that you have? Given that the comp centers are going through re-competition, do you create one national TA center on Indian ed or do you have strategic, regional technical assistance centers?

So, moving forward in FY12, those are some things that you will advise us on, on what is the best way to move on this. What is the dollar amount? What is the budget that's required for that?

So I just want to let you know that a lot of conversation, discussions, meetings, are happening within the department to follow up on what we heard at the tribal consultation meeting. And certainly, Michael and I have been -- I'm telling you, we meet every week on trying to make sure that we do something in FY11.

MR. BAILEY: I don't have a mic.

MR. ROSE: Before you -- Derek -- do you think these regional labs could be a real source of opportunity?

MS. BUTTERFIELD: Not as they are now.

MR. ROSE: All right, okay.

MS. BUTTERFIELD: But they could be --

MR. ROSE: Okay.

MS. BUTTERFIELD: -- mentored.

[Laughter.]

MS. BUTTERFIELD: Along with tribal colleges and staffs at departments of eds, those would be the three.

MR. ROSE: Right, right. Okay.

MS. WHITEFOOT: I would add into that our inter-tribal organizations. I think I've mentioned that before.

MR. ROSE: Right.

MS. WHITEFOOT: Our inter-tribal organizations that we have throughout Indian country.

MR. ROSE: Okay.

MR. BAILEY: Thank you. I wanted to -- Mr. Rose, on your comments about consultation. And I know that; I was out here. As tribal chairman, I was out here at the tribal leaders meeting in November and witnessed the signing of the Presidential memorandum, and knew what it meant as far as the consultation. And the words that were expressed by President Obama that we're asking those that know best are from Indian country. We heard that expressed earlier and been able to participate, IHS, with Dr. Roubideaux, and then also at DOI.

When we were out in the southwest, the leaders, we were meeting, it came quickly to our attention the level that we were meeting with. And it was very frustrating for the time that we took away from our communities, our respective sovereign nations, to participate in the tribal consultation process, and there weren't, as you defined, decision-makers there. So I commend that there were at the educational tribal consultations.

I think the big piece is still the recognition that what will be the response. We've heard from others that have a longer history than I have, and I respectfully say that, working in the United States government, and good intentions, but the final product fails to be seen or implemented. So I'm very proud to be part of the discussion here this afternoon in 2010, and would hate to see in 2030 or '20 the same discussions taking place. So I hope to be able to be part of that movement.

But real quickly, I wanted to comment. I was really glad to hear you say about language and culture. Embodiment to me is who we are as indigenous people. And I know that a month ago, in the state of Michigan, the governor just signed -- Governor Granholm signed into law for the preservation,

for the learning process of language, that teachers or instructors -- venish navi moen (ph), that's our language, they can be non-certified.

So what does that mean in those rural tribal communities? Up in Upper Peninsula Michigan, it can get pretty rural, that elders that are fluent can now teach and students can receive credits, not as a foreign but as a world language that can be applied for their graduation success.

So I'm glad to hear that. And I wear a hat different than -- I know there are some past council members I know who are around the table that have a different hat. So when we speak about tribal leaders, it really speaks to my heart. Because I know in the work that I do, for my tribal citizenship, in the Bemidji region in Indian country, how much it means to hear you express when you said, we're listening, we took notes, we have a response. I love technology, so use the website, use those means to reach those tribes that can't participate or don't have the resources to. Thank you.

MS. THOMAS: I just wanted to add another thing about these tribal consultations that we've heard. I know in the past, the ones that I've attended, it was about culture; it was about language. But at the time, hands were locked because of No Child Left Behind, and those schools were trying to meet AYP. And then, we actually heard from parents that say my child was taken out of school because of their grade level. They were removed so that the schools could keep their accreditation. And that that was a huge part in what was done.

So my concern is, yes, there is a language and a culture, and I don't think it is extra. I think this is what keeps those kids in school. And if that's what's going to keep them in school then let's have it. But then you have superintendents and principals who see the Title VII funding is to make sure that they meet AYP, that they meet No Child Left Behind standards, and regardless of language or culture, they just treat them as anybody else. They just think it's just money for Indian kids to meet their standards. And that's the difficult part that we're getting to, because when the parents come out, they're concerned -- as Robert said, if they could have their language and culture program, those kids would stay in school.

MR. YUDIN: Can I just say one thing? We have about five minutes before we have to head across the street, unfortunately, and we're so not going to have enough time. So folks who want to talk that didn't yet, like I said --

DR. JACKSON-DENNISON: I hope I can talk. I've had a terrible throat. But first I want to commend you-- all, the U.S. Department of Education. You hit right on the bullets that I heard at the position I was in, in Window Rock, and they all relate.

As a superintendent in a school district on the Navajo Nation, it's very obvious to me. I'm the only Navajo superintendent, first of all, and that's part of the issue in Indian country, is that we have such a wide array of knowledge about Indian education. We need to do a better job -- and I'm saying we because it would become all of our responsibility -- in advising. Through the different methods, some way, we need to get to -- I like the idea of the superintendents. I think that's an excellent idea, because just in the area I work, I see that the knowledge level of the superintendent not understanding the history of Indian education, let alone how that history impacts the current issues, is where we lose out. That's where they don't know how to use the Title VII dollars, and so it becomes this reactive mode of,

oh, get this money spent, and then it goes back to, well, NCLB means this, when in reality, for Indian education, NCLB really does have some accountability to language and culture. We would want to include that in there.

The other point is that through the reauthorization -- and I know I said this in my testimony. Through the reauthorization of the Elementary and Secondary Education Act -- and I've said this over and over and over, and I don't know if it gets across. But in the state of Arizona, for example, we have laws like the English-only Law, which is really, really a hindrance on a state that has a large number of Native American students, tribes. And it really hurts us because the state imposes this law upon us, public schools, where they say, well, monkey see, monkey -- I mean, cover your eyes and do whatever you want kind of thing. But at the same time, it's like me as superintendent is going to uphold the law, but I'm thinking through the reauthorization.

If there could be some level of review done at the federal level that the ESEA Act, or whatever acts that the federal government puts in place, would have some teeth in it to support the education of language -- Native languages and culture in the schools, because then it doesn't fall into that, well, we're just trying to follow the No Child Left Behind, or, in this case, Arizona Learns plan, because it really ends up hurting us as educators. And then the superintendents that don't want to learn about history really don't have business in our school systems. That really does hurt.

Back to Window Rock, where I was at before, we had a very strong immersion school there when I was there in the past. Now we're suffering tremendously because of the lack of attention that was not given to that school over a five year period. So it's been a hassle trying to rebuild and put things back in place, get highly qualified teachers, everything that was ignored. Highly effective teachers, that's a big area.

So I want to share that part with you and commend you on those four areas. It is going to be a very tough issue with the superintendents, working, trusting the tribal entity to form these teacher education programs because of the politics, where the money goes, and it becomes an employment agency; because, again, the history of Native people and how we're survivors instead of trying to be proactive for the future, that's what's causing a lot of the mistrust.

MS. OATMAN-WAK WAK: I'll keep it very brief. Thank you again for being here this morning, afternoon. You mentioned a few different agencies as far as the collaboration between the Department of Education, and I was just waiting, holding on, to hear Department of Justice, the Tribal Law and Order Act. I want to know what type of plan that you have laid out that we might be able to help enhance, as a NACIE Council, with the Tribal Law and Order Act. I think we're at a very critical stage for the implementation of that Act.

I come from a state that was reluctantly a Public Law 280 state. Our race relations are less than friendly, and that trickles down not only to the governance of local school districts, but to children in the classrooms. It's horrible. I have a lot of stories that could be on the floor right now as incidents, as depredations against Native children and families, that happened last week in public schools across the state of Idaho, that have to do with jurisdictional conflicts between local, state, and tribal jurisdictions and law enforcement.

So maybe you might just be able to give us a small snapshot of what that collaboration with the Department of Justice looks like.

MR. ROSE: Sure. That's a good point, Mary Jane. I personally have gone over and met twice with Tom Perelli, for an hour each time, about this issue. And what Tom and I have talked about is -- what Tom wants to do is kind of create a more localized, coordinated approach and to address the issues that you're raising. And my pitch to him is that we at Education should be involved at this localized approach, in the sense that let's use the schools as sort of a focal point of these efforts.

Now, certainly, DoJ has other obligations to fulfill that are very different than ours, but on the issue that you're raising, I think we can use the schools in a very different way than we have in the past to address these sort of broader, public safety issues.

So Tom and I, as recently as two weeks ago, have spent quite a bit of time together on this, and I think we should probably follow up with you and let you know some specifics about what we have in mind. But that's a very good point about the DoJ.

The other reason that I think we at Department of Ed need to partner as well with Department of Justice is that they have a tremendous amount of resources, probably, far greater, ultimately, than we do. And I think those resources can be used in a very different way than they have.

One reason we were so glad at the Department to see the response to the Promise Neighborhoods grant, in the competitive priority that we put in for the tribes, is that the Secretary's belief is that the school should be the center of the community. In other words, education should be the center around which all other things flow. And that's what Promise Neighborhoods is all about, and that, I think is an approach that we could take.

Because one of the things that we, again, heard loud and clear is that education is a sacred responsibility in Indian country, and, frankly, I think non-Indian country could learn a lot from the way in which the tribes approach this sacred responsibility. But one of the reasons it is such a sacred obligation is that's the way in which knowledge is transferred from generation to generation and that society evolves.

Again, if we put education at the center, and we at the Department of Ed, along with DoJ and the other agencies here, bring a more coordinated approach, then I think there's so much more we can do to leverage at least our effort. You know, we're not going to be able to do it alone, that's for sure, but at least we can use the enormous resources we have to leverage things in a much different way.

Let me just make one concluding comment. As I said at the outset, I mean, we really are excited that you're here and that this Board is finally with us. Of all of the things that I've heard on the tribal consultations, and of all of the meetings that we've had, and I can speak for the Secretary on this as well, because he's visited Indian country, had many meetings as well, is this word, "action." You know, we need to do something.

I can tell you, from having worked with the Secretary in Chicago for eight years as a client of mine, he has a kind of a quiet approach to leadership, which is really focused on results as opposed to just talk, doing things as opposed to just sitting and contemplating about it. And I think if there's anything we can take away from this conversation today, it's that you do have a commitment on behalf of the Secretary, and on behalf of us who are the senior leaders at the Department, to work with you, to

actualize what we've heard. We want our legacy at this Department of Ed, under Secretary Duncan and President Obama to be one of action and outcomes and results, not simply one of empty rhetoric.

MR. YUDIN: So we need to go.

MS. LEONARD: Right. Okay.

MR. YUDIN: All right. We'll go to the -- this is a great event that Kevin Jennings and Maggie George have put together, a Native American heritage program. It's a really nice agenda. And then we'll come back here and take care of some more business.

(Whereupon, a recess was taken.)

## **NACIE PUBLIC MEETING SESSION II, DAY 1**

MS. LEONARD: Okay, welcome back. And we know that we're running a little behind, but certainly before the close of the meeting today, the two things that we want to accomplish are, one, the election of a chairperson and the election of a vice-chair.

A couple other things too, just as housekeeping notes, before we go into the voting process or the nomination for chair and vice-chair, a couple things. I just want to make sure that we need to get back to you so that we'll have them tomorrow when we come back. I have your confidential packets that I need to get to you, too. One, we need to get to you the blueprint of the master plan for reauthorization.

MR. YUDIN: In case folks don't know, so earlier this year, in March, Secretary Duncan released the blueprint for reform, which is the Administration's proposal for the reauthorization of the Elementary and Secondary Education Act.

MS. LEONARD: And the second thing is that we keep talking about the tribal consultation meetings that we had. So we did receive the reports from those meetings, and what we did was we went through and compiled the comments that we heard on the various areas. And so, that document, we want to place in your hands, so that you can see the issues that were brought out across those six consultation meetings. We have tabulated in terms of the number of comments we heard, the number of times it was mentioned, and I just want to share that information with you because it will certainly play a big role in the work that you do.

All that we've been doing, today, primarily in these public meetings, is to share information with you, just to kind of give you a basis or a foundation for the work that you do when you begin to figure out how and your approach to making recommendations or formulating recommendations to the Secretary. So any information that we have that you think that we can provide for you, just let us know and we will have those things either here for you while you're here or we will ship them to you or express mail them to you so that you can have the background information that you need.

One of the other things, too, is that in your packets here, we have the briefing book for the Title VII program, and it's everything you wanted to know about the Title VII program. I just wanted to call that to your attention. It talks about the funding, it talks about the number of awards, it talks about

who receives what monies. There's a lot of information about the staffing, just a lot of information that you need to know about the Title VII program.

So having said that, what I want to do is just to segue into the two items that we are going to do today, which is elect a chairperson and a vice-chairperson.

MS. WHITEFOOT: Before we go into that, I have a question. I know that Department of Ed has also received the recommendations on ESEA from the National Indian Education Association, and so I'm wondering if we could have copies made of that for all the NACIE members, as well.

MS. LEONARD: Yes, we can.

MS. WHITEFOOT: That would be great I think for us to have, because it addresses some of this call to action as well, I think some recommendations, some very strong recommendations, that have been made.

MS. LEONARD: Okay.

MS. WHITEFOOT: Yes, thank you.

MS. LEONARD: We'll include a copy of that.

MS. WHITEFOOT: And then the organizational chart that I requested earlier today?

MS. LEONARD: Yes. And just for clarification, what we were talking about is that it would be an organizational chart for the Department of Ed, as well as the Office of Elementary and Secondary Ed, and then OGC, the Office of the General Counsel.

MS. WHITEFOOT: Okay.

MS. LEONARD: That's particularly what you want?

MS. WHITEFOOT: Right. There was a comment made today, something about -- I can't recall it, but the Office of Business or something like that, and then the other side. So I didn't understand what the other side was.

MS. LEONARD: Right. It was the General Counsel Office.

MS. WHITEFOOT: Okay. All right.

MS. LEONARD: Marcella Goodridge was saying that there were two different offices, and I think that's when you asked the question to get an organizational chart --

MS. WHITEFOOT: Right.

MS. LEONARD: -- of the general counsel or the attorneys that would support -- serve as advisors to you.

MS. WHITEFOOT: Okay.

MS. LEONARD: So we'll get all of those --

MS. WHITEFOOT: I think that would be helpful for us to have.

MS. LEONARD: Okay.

MS. WHITEFOOT: Thank you.

MS. LEONARD: Okay. We'll do that.

So in terms of nominating a chairperson and a vice-chairperson, the person we're going to use is that we'll self-nominate. So I'm going to give you time to think about whether or not you would nominate yourself for chairperson or vice-chairperson.

Karen has some steps that talks about the responsibilities for each one of those offices, and so she'll talk about that. But I just want to talk about the process. So once Karen goes through the roles and responsibilities for each one of those positions, then what we'd like for you to do is think about whether or not you would want to nominate yourself for that.

If you do, you would have one to two minutes to speak to the Council to say what you bring to that position, why you would want to serve that position in order to get votes; because then after that, then the Council by ballot will vote. And so what we will do is we will have a ballot with those names on it. You will vote by ballot. We will then have our official tabulator count those votes and come back and announce who, then, by majority vote, would be the chairperson.

So once we finish that, then we would go through the whole process again for the vice-chair, and, by ballot, come back to see who received the majority of votes for vice-chairperson.

MS. BUTTERFIELD: Jenelle, before you sort of go there, first of all, I apologize to the group for being late this morning. I didn't even know we were meeting. And that could be the result of me being out on back surgery and missing out on some critical communication, but I feel like I don't know people on -- I mean, I've seen the bios, but it's real difficult to make decisions when we've had such a limited amount of time together.

But my second question really deals with, I guess, a commitment to a volume of work. Did you already talk about how many times the Council will meet? Is it mostly over technology or how many times we have face-to-face meetings; I mean, those kind of things.

Did you already cover that this morning?

MS. LEONARD: I'm going to defer to Karen as the FACA person, but when you look at the charter, it says two face-to-face meetings. But given the conversation that we've had with the meeting earlier -- and the one that we just had over in the Department, where the Department of the Interior wants to meet with you, and where Charlie Rose had said that not only the Department of the Interior but Department of Justice and all the other departments -- once you get a chairperson and a vice-chairperson, a lot of this is going to happen through your discussions of when, because it's the availability. It's also going to have a lot to do with the amount of funding that we have for face-to-face meetings.

So we do have a contractor in place that can facilitate conference call meetings, and so we may be able to accommodate all of the requests for meeting with you through technology. And the thing of

it is, is the travel. It takes you away from your day-to-day responsibilities and work, so it might not be the most convenient thing to bring you here more than two or three times. But, certainly, we'll have to work together, me as the DFO and the chairperson working collectively with the Council, to figure out how best to accommodate the number of meetings you feel you need to have in order to effectively do your job.

MS. WHITEFOOT: Before we go into that process, I have a recommendation to make regarding the meetings. And I've not had the opportunity to talk to individuals, but just having been the immediate past president for NIEA, and in addition to that, we have several other individuals here who have been involved with that, too.

Because of the amount of work that's been done, not only by that organization but also by other organizations and where this movement is going in Indian country, I want to propose that in the future that we meet with some of these national organizations rather than us coming back to Washington, D.C. I mean, I think to get the bang for our buck, it would make sense to me to meet, perhaps -- I don't know how often we're going to meet, that was kind of open this morning. Plus, you shared there was a budget for \$90,000 -- well, the first budget was \$45,000 and then it went up to 90. And so, I still don't understand all of that.

So I would like to just propose that we meet perhaps with the National Congress of American Indians. I don't know when their next meetings are. I know that they're meeting in Albuquerque within two weeks, but in the future that we consider that as well because many of us are educators and we're very active with organizations -- I wouldn't say NIEA -- because there's too much to do during that time.

But the National Congress of American Indians I think would be a good venue, because that's where the policy initiatives are, and that's I think what we're advocating for. So that's one recommendation that I have.

MR. MCCRACKEN: Can I just recommend something? So, National Congress of American Indians' 2011 meeting, annual meeting, is in Portland, Oregon. We have a beautiful facility, about 12 miles from Portland, Oregon. I would like to propose to this board, if we would choose to come together as an organization, that we could help provide the facility to have that meeting if this board approved.

We've hosted several governmental meetings, the Tribal Leaders Council, the TLCD, Tribal Leaders Council on Diabetes, which oversees the appropriation for American Indians and Alaskan Natives Diabetes Program. We've hosted those tribal leaders there as well. So we've hosted several different governmental meetings there. But knowing in advance that the National Congress of American Indians are coming to Portland in November of 2011, I would like to just throw out to this particular council that I'm willing to provide us this meeting space. However we want to work that out, I don't know, whatever the legal term is around that. But at least we'll have a safe and healthy facility that we could use.

MS. LEONARD: Right. And the thing of it is, is that I -- I just want to remind you that you will have a chair and a vice-chair. And the role of the DFO is simply to facilitate your meeting. And so, for the items that you're placing on the table, those are things that when you meet as a body with us -- I mean, with the DFO here -- that you're making decisions about it or you're making recommendations about. Okay?

So I'm going to throw that back to the Council, your suggestions, so that you-all can revisit that once you have a chair and a vice-chair.

MS. THOMAS: Well, hopefully after this is addressed with our chair and vice-chair, that we could set some goals and maybe a calendar plan, so that we can go forth.

MS. LEONARD: Right.

MS. THOMAS: I know tomorrow's going to be a full day, but we could still do this process. And it will be up to us as a committee to make the recommendations over to them. And if that is a recommendation, since you are so pleasant to host this, this could be what we want; you know, we say this is what we want, and they would carry it through.

MR. YUDIN: And if I could just add, as Marcella mentioned this morning, the General Counsel's Office is available to provide you with legal advice on issues such as this, so you-all should take advantage of that.

MS. LEONARD: Robin, one of the things that you brought up was that you-all hadn't had enough time to get to know each other or the qualifications or background. You did have a bio.

Do you have any suggestions how we can expedite that so that we can move to the next piece?

MS. BUTTERFIELD: Maybe your proposal about having people who are definitely interested in serving in that capacity is all right, but I just don't know everybody well enough, and I do want to hear – I haven't even heard everybody's voice, even this afternoon during the conversations.

So I think it's really more -- if we're talking about relationships, I think we have a strong Council from the written background. I just want to feel like I know people a little bit better. So even, I don't know, if it's a two or three minute reintroduction, I would really appreciate it.

MS. LEONARD: Is that agreeable with the Council?

[Council members nod yes.]

MS. LEONARD: Okay, so we'll do that.

MS. WHITEFOOT: I would like to propose -- because Robin, for some reason, didn't get communication that we were meeting today. And so, there's something amiss here, that she didn't have word, and she's right here in the area. So I support her request.

MS. LEONARD: Right.

Robin, I apologize if you didn't, but you were on all the emails that were sent. I did notice that I didn't get any feedback from you, but we did include you in all the emails.

MS. AKINS: Can I just say just real quickly, Robin, I empathize. And just having done these meetings, and a lot of our advisory board members express your same concern. So I think hopefully what will help is, as you suggested, that we go around and everybody reintroduce themselves. But, hopefully, the

nominees will get right to the crux of the matter as to why they think they want to serve, and usually that is helpful. Because we have so much to do, and a tight schedule, and hopefully meeting two to three times a year, I would love to maybe be able to give you overnight or something like that, but there's just so much to do.

So, I definitely empathize with what you're saying. I just want to let you know that in my experience, having seen this process happen with our boards and commissions, it usually turns out really well when the nominees are able to speak to the group and explain their qualifications and backgrounds. I think it's going to be okay.

MS. THOMAS: I would like to make a comment. Under the last Administration, we did have two chairs, two chairs to the Board. It was kind of mid-stream. Someone stayed on the committee -- on the Council, but gave up the chair, and so another chair moved in. And so that's available if that happens, so if we don't like the person, we can oust them.

[Laughter.]

MS. THOMAS: We can vote you in and we can vote you out.

MS. LEONARD: Yes, Virginia.

MS. AKINS: Thank you, Virginia.

MS. LEONARD: So let's start the process of reintroducing ourselves. Go ahead and start with you, Thomas?

MR. ACEVEDO: Hello to all of you. I've always been called on first, Acevedo. I sat in front of the class. All the way through my law school career as well, you were the first to be called, so you were always prepared, because you knew you were going to get hit in the midst with the Ames and the others in the middle of it.

First of all, I'm a member of the Salish Kootenai tribe from western Montana. I'm an attorney by profession. I've been a manager probably now 15, 20 years in various capacities in my career, both at the Council of Energy Resource Tribes as the chief of operations there, as the chief of staff for the National Indian Gaming Commission, and for ten years, the chief of staff for the Mohegan Tribe. And I'm currently the CEO for my tribe. for S&K Technologies.

We have 330 employees throughout the United States, so we deal a lot with a lot of technology, as you mentioned. That's how we do a lot of our meetings, virtual meetings, through those kinds of various facilities that we have available to us.

My background in terms of education; I sit on the board of directors for our tribal college, S&K College at Flathead, a very wonderful college, a super job there in terms of the work that Joe McDonald has done over the years. We've just recently hired a new president -- Joe retired -- Luana Ross, from our tribe. They did a great job of vetting, and I'm sure she's going to do a remarkable job for us in that capacity.

That's probably it in a nutshell.

MR. ANDERSON: My name is Greg Anderson. I'm the superintendent of the Eufaula Dormitory in Oklahoma, member of the Creek Tribe. I am Creek/Choctaw. I did have the opportunity to serve in the previous NACIE Board. I enjoyed that experience very much. I'm currently involved in the Department of Interior's negotiating rulemaking committee for the reauthorization for NCLB.

I'm going to keep mine brief. I have no interest in the chair or the vice-chair positions, number one.

[Laughter.]

MS. THOMAS: Thomas, what about you?

MR. ACEVEDO: I am interested, how is that? There we go. All right. Sorry.

MR. BAILEY: Aanii. And I've always followed the A's. As Derek Bailey, I've always had to sit behind. In fact, my mother's maiden name is Anderson. And I mentioned to someone that my uncle, who's like my dad, was having open heart surgery this morning. It went well. And so, mat giaz (ph). So that was on my heart and prayers.

But interestingly enough, how he's so close is that he married my mother's sister. So we said back in the day, that's what happens when you have alphabetical seating. The Anderson girls looked around and saw the Bailey boys.

[Speaking in Native language.]

And I think it's important to introduce myself in the language for those times that we just saw in that movie, when our language was forbidden. And I know that I have in my ancestry, those aunties, uncles, grandparents, that were beaten themselves. I tell the story of my grandmother, who spoke the language in a boarding school and spent an hour kneeling on a broomstick handle.

So when I hear those messages today, they resonate. And my wife and I, we have five beautiful children, and they have their names in a language. And I always got a kick out of it, because when they do roll call now, when they introduce our children, they're speaking a language that was once beaten and forbidden for our young people. And my wife is Alaskan Native, Yupik and Ojibwe and Standing Rock Sioux.

I'm the current tribal chairman for the Grand Shares Band of Ottawa and Chippewa Indians, being sworn in December of 2008. Prior to that, I was on Council for four years, from 2004 to 2008 and currently chair the Inter-Tribal Council of Michigan, selected by the other 11 federally recognized tribes and their chairs. And I'm the chair of the Chippewa Resource Authority, which is the five signatory tribes in the Treaty of 1836, or Treaty of Washington, in which over -- well, quite a bit of land, millions of acres, so the state of Michigan could become a state in 1837.

I'm very proud of our place, historically and here. And hearing everybody speak and hearing the expertise that's around the table, I'm really proud. I had an uncle that said at one of our ceremonies -- and I want to share here, real quickly.

In our seasonal feasts we have, he said last fall, "What type of ancestor will you be?" And I've been able to share further by saying, what type of ancestor will we be? And that is powerful. That's the ripple effect that Dr. Melendez spoke about, I believe. And we today are framing that future for

wamagama (ph), our future leaders. I'm just very honored to be part of it and proud to share a little bit more about myself. So thank you. Megwitch.

MS. BUTTERFIELD: Well, thank you very much. Megwitch, pini gigi (ph). That's from my two tribal backgrounds. I have been a single parent of three children, all of whom are graduates of the University of Oregon, for 22 years. I am beginning my fifth elected term on the National Indian Education Board of Directors. I'm currently serving as the vice-president, and I have been a past president. I've been living in D.C. for the last five years, and my primary responsibility is to connect the national education's 3.2 million members with, essentially, in my position, American Indian/Alaska Native communities and interests. So I'm a bridge between both. I try to carry NEA's information out to Indian country through national organizations, and I try and bring the Indian issues into NEA as a powerful advocate on behalf of Native people.

I am not interested in the chair or the co-chair at this time, simply because of my NIEA responsibilities, but down the road, who knows? And I was given the Indian name in my feast lodge. I identify most with my Ho-Chunk side, which is Ahuta Cutabanga (ph). It means Shining Wing, and I was named in the lodge with the fires burning throughout, and was named with my two other brothers by a veteran who served in World War II.

So I have learned early on that when you are honored, you are also handed responsibility. So I am very honored to serve with all of you. I've read your bios, and I am very positive about I think the impact that we have the potential to make. So thank you. Megwitch.

MR. COOK: Ambete washtay (ph), my relatives.

[Introduction in Native language.]

So in South Dakota, my Indian name is Tall Pine, Wanzi Honska (ph), but in South Dakota, in our driver's license purposes, I go by Robert Cook. So make sure you're not profiled when you're in South Dakota.

I'm a long time teacher and worked in administration a little bit. I have no intention of being in any leadership position on this Board. But I am a very strong advocate. I'll back whoever is the chair, the vice-chair. But let's get stuff done. I'm just really tired of talking about stuff.

I think we need to elevate this board into a position of respect and honor. I don't think – just from previous hearsay and what I've seen, I think this board has been treated in a very disrespectful way. I think that we have to listen to our grassroots people, our children in Indian country, because those are the ones that we're advocating for. And as Derek said, you know, we have a Lakota proverb that says, that we'll be forever known by the tracks we leave behind.

So, it's up to us in these leadership positions to advocate for those who don't have the voices to speak with these different leaders who make impact in policy and appropriations and things like that. So it is a huge responsibility. But if we're not going to be here to work hard and put a hundred percent into it, then I think we're in the wrong position. There's other people that could serve and do a better job, so we've got to have a real strong commitment to do it. And I'm here to support and to back the Board and the direction of the Board and work to the best of my ability.

I mean, we have kids dying every day in Indian country, you know, in our communities. Life expectancy at Pine Ridge is, the men, 45 years old. Our population is 50 percent under 21. So the time for talk is over. We need action, and we need to be empowered to be able to do things. Thanks.

DR. JACKSON-DENNISON: I hope my voice holds up.

[Introduction in Native language.]

That's my heritage. I'm Scottish. My mom was here; my Scottish mom was here today with us, and my clan is Kin'ya'anni, which is Towering House, which is leadership, meaning leadership in our Navajo people, to our Navajo people. And my paternal grandfather, who lived to be a hundred years old, he died a couple years ago, was of the Salt Clan.

Currently, I'm the superintendent at Window Rock Unified School District in Arizona. I've been a school superintendent almost ten years. It's hard to believe. I earned my undergraduate degree -- well, my associate's degree from the first tribally controlled college, which was Navajo Community College, now Dine College.

It brought back really emotional thoughts when Maggie was talking across over there, because I know how hard it was to establish the first tribally- controlled college, and my father was a great part of that, back in the history of education. Also, the video, where we saw Grandma Thomas, who was an elderly Navajo woman, who talked about her hair being cut off, when I did my doctoral dissertation, I listened to a lot of those stories of our past, including my father, who went to Chilocco Indian School in Oklahoma. But luckily for him, he was good in basketball. And so because of his basketball talent, he was able to go on to a junior college, and he and my uncle Jack were one of the first Navajo leaders, I guess, educators, to come back and teach our people.

So it wasn't that long ago that we established Navajo -- our Indian educators started to come back; it's been in recent times. And so, I'm really privileged to be a part of this historical time, sitting here. And it's very emotional for me because I know that history is almost -- it's not that long ago that we've made great strides. And like Robert said, it's time to put those strides into action because we have heard about the history and everything.

As I mentioned this morning, being a superintendent, I see that a lot of our challenges come from the lack of knowledge, a lack of respect for the history and what we've been through. Just that video clip alone would do great wonders if shown to our leaders of school systems out in Indian country, because they just don't know. And a person only knows what they know. And you can't provide something -- you get caught up in that rat race every day in education, of trying to meet the standards. So you lose sight of -- and I'm saying that because I've seen it happen over and over and over.

So just regrouping our leaders, including our own Native leaders, we are sometimes our own worst enemy because we tend to finger point and lay blame and all that. So in that respect, I'm really proud to be a part of this group and very interested in being either the chair or vice-chair with that challenge. Thank you.

MR. MCCrackEN: Yai, yai, palutee (ph). My name is Sam McCracken. I was born and raised on the Fort Peck Reservation, northeastern Montana. I take the maternal side, so I'm Assiniboine, Red Bottom Clan. My grandmother, named after my great-grandfather, Thomas Duck, who, in a book of linen (ph), Lakota

was described as a provider for the people. He went out and provided food and supplies for the Assiniboine people from northeastern Montana.

I look at kind of that in an ironic way, because I speak to you guys very humbly because of the fact that I don't come from similar education backgrounds as everybody here. I come from a background of hard work and dedication to my people.

I work in corporate America, and I took a very different path than probably most of you have taken. I took the path of thought and a vision that my grandfather gave me, in striving for something that you really want. And I wanted to be able to be a role model and provide a difference in the community I cared about, which was Indian country. And I didn't realize that until I was later in life, when I got the opportunity to do that. And I felt blessed that a company called Nike believed in me and gave me the opportunity to do what I do.

To explain to you what Nike N7 is, is really to tell you the essence of who Sam McCracken is. And I'll take you back to my 18th birthday, when I got my name, and I was going to go work in the white man's world. My grandfather told me, to understand seven generations, you have to understand how we believe in it. And he said, "You're in the middle and you look back through generations for guidance, direction, and focus, and what they provided you. But you look forward through generations to hopefully make a difference or leave an impact or leave your footprint on those generations that are going to come after you." And I took that to heart. I didn't know when it was going to happen. Well, I really believe that the Creator had a path for me and what I do today.

That's where the 7 comes in N7. They're really taken from that instance. And that N could be Native to that youth or could be Nike, however you want to determine it. And I leave that self-determination of that N to the people who embrace the story and the initiative.

But the company really believed -- and, really, N7 is really about access to sport and all the benefits that happen when a child gets an opportunity to be physically active. And I use sport very broadly, and I do a lot of public speaking out. I talk to a lot of kids who are walking down the same path I walked as I talk to the folks at the Kicking Horse Job Corps Program on the Salish-Kootenai Reservation, and those kids are all about hard work. And hard work gets you a lot of things, whether it's hard work in the classroom or whether it's hard work in your day-to-day job.

Those kids resonate with that story because they've had a little bit tougher path. And I think we can all look at each other's communities, and we know that there's kids out there that are going to walk that path, and they're an important part of our culture and our people.

So I just want to represent those people who are walking a little bit harder path. And if I can stand to be honored and be humbled, to be amongst you guys as advisory community members, I'm honored. I'm not interested in a leadership role at all. I'm interested to roll up my sleeves and get to work and create some action and some tangible outcomes.

At Nike, we have two things. One, there is no finish line, so we're never done. But two, the final thing I'll say is we say at Nike -- we just say, "Just do it." And we say that very sincerely, that we go get it done. And that's what I'm excited to challenge this board, is let's go just do it. Let's do it because people think we can't, and I know we can.

So with that, I want to thank you guys, and I'll support whatever chair or vice-chair is in this role, and I'll represent this board to the best that I can and with the best fashion I can. So thank you.

MS. OATMAN-WAK WAK: Inawat nik was (ph) Mary Jane Oatman-Wak Wak. I'm an enrolled member of the Nez Perce Tribe, and quat quoo see, qui (ph). Just do it, in my language. I was very honored and very fortunate to be able to minor in my Native language in a higher education institution.

I currently serve as the coordinator for Indian Education at the Idaho State Department of Education, I've been doing that for about three and a half years now. Prior to that, I was an education specialist at the University of Idaho, and in that role, prior to being a full-time employee at the University, during undergrad, I spent two years as an intern in the Idaho Department of Corrections. And it was during that time that I -- because my undergraduate degree is in justice studies, and I saw far too many of my Native peers within those correctional institutions. And with a heavy heart, I walked away from that work, thinking that I wanted to be more on the prevention side, whether it be policy or practical areas of reform, that I wanted to be a part of that. And I find myself coming full circle with that role.

For the past year, I've been mentoring young women in the Idaho Department of Corrections, juvenile corrections facilities, and I have a whole new perspective when I go back into the institutions, versus when I was with the all-male population and the felony rider programs; big difference between the two.

I'm a proud mother of two young sons. I have an eight-year-old son, Jackson, and a little boy named Wayne that's two. I'm very busy. I am also going to put it out there that I do not desire any leadership position, additional leadership responsibilities as a NACIE appointee. I currently serve as the executive director of the Idaho Advisory Council on Indian Education, currently the president of the National Indian Education Association, and chair of the Native American Alumni Association that I worked to establish last year at my undergraduate institution.

So I think I got enough. It's like whack-a-mole, you know that game at the carnival where every time you turn around -- but I do. I look forward to serving with all of you on this council and I know that we're in a new paradigm with Indian education.

I don't ever want to walk away from our service on NACIE feeling like it was a bunch of lip service, and I don't feel that with the caliber of folks that we have at this table that it will be that. So yo'calo (ph). Thank you.

MR. PHELPS: Good afternoon. My name is Stacy Phelps. I'm a member of the Sisseton Wahpeton Oyate in South Dakota. I guess I kind of have an odd background in education, too. Actually, I have an engineering background and came to education in a much different way.

When I graduated engineering school, there was new programs getting started at the second but the best tribal college, Oglala Lakota College, because it serves the great Sioux Nation -- I'm joking -- and then just received some money to develop STEM programs, Science, Technology, Engineering, and Math. You know, we're having trouble finding people, so I went in and spent 12 years there, led all those programs, was department chair, worked across five tribal colleges, a consortium building STEM degrees. Built the first bachelor's level STEM degrees at tribal colleges all across the Midwest, and got heavy into technology. Since we're rural, back in the '90s, we did distance ed when it wasn't cute, when it was necessary. So went back and developed my background in building distance ed and higher ed systems.

We built systems across five states to get college degrees out to students in rural areas and spent a lot of time working in -- probably more what I'm passionate about, working with young American Indian students and families and communities to kind of make improvements through higher ed.

So I spent the last 18 years running summer programs and now running a statewide program. We serve about 5,000 families now in 38 schools across South Dakota, focusing on bridging students in those communities into higher ed and have been very successful at building and developing pipelines.

I think because of my background, I agree with kind of everybody -- I think from my engineering background, I see problems and I fix them, sometimes not always with the most politically correct solutions, but, you know, we just get stuff done. I don't like wasting time. I'm a person of action, and at the end of the day, we solve problems, and we focus on Indian country problems.

So I don't know if I'm interested in a leadership position. I guess I'll kind of just leave it out there. But I did want to say something, and with the greatest respect to the conversations here. As I understand our role here, it's really to be an advisory group to the U.S. Department of Ed. I'm going to be somebody who's going to -- I'll be quiet, but I will be very direct.

Sometimes we can't solve everything under the sun, and that other organizations -- and I appreciate the work of NIEA and NCAI and all those, but they all have their charter, and so does this group. And so I'm going to make sure that we always come back to, but is that what we're supposed to do, is that our job, is that what we're focusing on, because we can't bring everything under the sun and try to solve something. We all have full-time jobs, we all have full-time focuses. And I think making sure that we stick to a couple of things that we focus on is going to be something that we can all walk away from saying we spent our time there, and we did the best we could, and we changed lives and transformed communities.

So I say that with the greatest amount of respect. It seems to be a lot of push the NIEA agenda and integrate those things. And I'm going to say, unless it's something we're focused on, I don't agree with that, because as I read our charter, as I read what we're supposed to focus on, I don't like to have everything in turmoil and chaos, because you don't fix anything that way. You just sit and spin, and you pile it on and pile it on, and you never get anywhere.

I say that with the greatest amount of respect. I think NIEA's great, and I think it has a mission and purpose, and we should support that in that part of our lives. But for my role here, I'm going to kind of be a stickler to what's our mission and let's stick to it. So thanks.

DR. RAY: Good afternoon. Osiyo nigada. It's Alan Ray here by telephone. I'm a citizen of the Cherokee Nation. My background is a mix of legal training and religious studies. And since 1996, I've been working in higher education administration, bringing together those strands of my background in the study of sacred sites, primarily, and other issues in federal Indian law.

Much of the work I've done since '96 has been around the Native American Graves Protection and Repatriation Act, NAGPRA, issues arising from that, and fairly recently working to repatriate the University of New Hampshire's cultural patrimony and some remains, in fact, to Abenaki tribes, a long and a very sensitive process I'm sure you appreciate.

Since 2008, it's been my honor to be president of the Elmhurst College here in Illinois. Now, Elmhurst is a fairly small liberal arts college. It's a strong and a very values oriented college, and it gives me, as I say, a great honor to be in that position here.

During the time that I've been involved in higher ed, I've also had the privilege of working with the Cherokee Nation, my tribe, on a variety of issues. And most recently, I have served on the advisory board for our Cherokee Language Immersion School, a group of about 85 students now that we've been doing for about eight years. And I'm a big believer in working together to find ways to preserve and advance our understanding of language and culture, and that would be an interest I bring to this group.

I will support whoever wants to take on leadership roles. I'm not interested in doing that myself. I simply don't have the time to do it. But as I say, I would certainly support whoever the group feels is a strong leader.

Finally, I say to Derek, I really sympathize with your comment about your dad having open heart surgery today. I'm not with you today because I had open heart surgery at the end of September, and my doctors won't let me travel yet. I appreciated that comment you made and all the best to your dad. Thank you.

MS. SPOTTED BEAR: My name is Alyce Spotted Bear, and my Mandan name is Numakshimiha, which means Guiding Woman. And I'm a member of the Mat'se Doga of the Nagadawe (ph). And that's the Knife of the Three Clan from the Mandan, Hidatsa, and the Arikara Nation in North Dakota. That's the Fort Berthold Indian Reservation.

I work at the Fort Berthold Community College. Hopefully that name, that colonialistic name will be changed soon, because we're going to be -- we'll have a status of a college and not a community college when we begin our bachelor degree programs.

To help you learn a little bit more about me, one of the things I would like to tell you is that I spent 12 years in a boarding school, in an Indian mission school, in South Dakota, Stephan, South Dakota. It was on the Crow Creek Sioux Reservation. And I was five years old at the time, and I was sent to that school because the Garrison Dam, which was built under the 1944 Flood Control Act, flooded our reservation and the school and the community. In the community, the school which I would have attended was flooded, so my parents were told about this boarding school in South Dakota, and I ended up going there, at the age of five until I was 17. So I spent 12 years there. It was run by the Benedictine nuns and priests. And to this day, I can pick out a nun even if she's not wearing a habit.

[Laughter.]

MS. SPOTTED BEAR: We had to go to church every morning, every morning and every evening. I did that for 12 years. I did get to go home in the summers, though.

So anyway, that video, I found that interesting. And boarding schools are also something -- is one of the courses that I teach. I teach American Indian education with an emphasis on boarding schools.

I'm not interested in any of the leadership positions here. I've been there, done that. And I really have -- like Mary Jane said, my plate is full. I've got a lot of things that I'm involved in, and one of

the things that I really enjoy that I'm doing is working on documenting the Mandan language. We have one speaker left, my uncle, Edwin Benson (ph). He is the only fluent speaker left.

We have a grant from the National Science Foundation, and my nephew is working with them to document the language. And the really wonderful thing about having that grant is that in the process of documenting the Mandan language, my nephew has become about 70 percent proficient in the Mandan language. So he's learning it, even though that's not a part of the grant. It's just kind of like an offshoot of the grant.

But that's about all I have to say, and I'll do my best to work with NACIE. I'm very pleased and honored to be put on this committee, or council. And, again, I'll do my best.

MS. WHITEFOOT: My throat, it's been tickling on me all day. Good afternoon, imima tima, (ph) my people, my friends, and my relatives.

[Introduction in Native language.]

MS. WHITEFOOT: I introduced you in my Indian name, Toppet (ph), the name of my great-great-grandmother, and my English name, Patricia Whitefoot.

Kwit linanam ashanaisha (ph) the National Advisory Council on Indian Education by President Obama. My heart is happy to be here with the National Advisory Council after having been appointed by President Obama. And in coming here, as you've heard in my opening statement, I come here with a big responsibility, because my people at home have honored me for being here. And I bring that with me because it's the children, the elders who are older than me in the community, the elders that are my age, the families that came together at our tribal council, as a former tribal counsel as well, who took the time to acknowledge this role that I have with the National Advisory Council on Indian Education.

So in our annual feasts that we have in our longhouse -- I just want to share this very briefly -- the families, the people that I'm a part of in our traditional home, they brought together -- after we had the feast and we fed all the people that came, that we invited -- where a longhouse set is we have our -- we're the group that has the first ceremonies of the year. And in this case, we do the root feast, and then we do the berry feast. And so, every year we're responsible for making certain that we're taking our children and everybody out to go gather the foods.

So at the end of our feast, and all of our traditional leaders, the women and the men, they made me come to the front, and they stood me up because of the appointment by President Obama, to acknowledge that role, and to acknowledge the government-to-government relationship and the treaty that the Yakama People have with the United States government.

While I am here physically representing the people, we still have that solemn oath that has been conducted through the Treaty of 1855 with our people, like all the other tribal people that are represented here. And by standing up an individual, by standing up individually, you're responsible for carrying forth the visions that our ancestors had, and you're responsible for moving that forward as well, by listening to the voice of the people in your community.

So that's what I bring here to NACIE, because it's that sacred trust that has been established. When any life form comes to be, such as in our case, where you have the new foods that return back to

our lands, there's a sacred trust, a sacred responsibility, that we as Native people have with Mother Earth and our environment and where we live. And so, through our history and our stories and our songs and ceremonies, that sacred oath is fulfilled on a daily basis in our lives.

As was shared earlier today -- I didn't get to go in depth at the meeting, but today, I come here with a heavy heart, and it's been difficult, because of what goes on back at home. And so, this responsibility is heavy on my heart because I think for many years, we have been trying to work with the federal government. And having, as I've said, been on my own tribal council, while we submit numerous documentation, there has not been a point in my life that I have felt hope.

There has been a point in my life where I have felt hope, and that hope is being fulfilled today through the seating of the National Advisory Council. But also, I was able to witness the nomination of President Obama, and I was able to be a part of the Native people coming together when he was nominated. And to have witnessed that -- and to witness that and to be a part of that was I think a fulfillment of a vision and prayers that our people had. Because when that moment occurred, it was the Native people who jumped out on the floor, and we danced around the stadium. It was the Native people first. Of all the diverse people that were in that auditorium, it was the Native people.

And we cried, because it's fulfilling those prayers.

So I am truly honored to be here to serve. Despite what's going on in this country, there still is this obligation to serve your people. And when you're stood up by your own people, that sends a lot, and then also within your own tribal council. And I've had my superintendent travel with me, too, because the school board believes in what's going on, as well, a non-Native school board, and a non-Native superintendent that believes in the work that we're doing. You know, that's huge. That's a lot.

So I think about my granddaughter, my youngest one in my home, and I think about her life and the freedom that she has today to be a young girl, two years old. And I just shared here with Virginia, we created a space for her in our home where she can not only sing the songs that were forbidden; she can share the language that was forbidden in that video. She can dance her heart out, our traditional dances, in that space that was forbidden.

That's why I come here the way that I do, because in our traditional ways, our elders, who are no longer here with me, shared with me that when you go to Washington D.C. to see the Great White Father, who is now a Black Father --

[Laughter.]

-- that you show and you be proud that you are Native, because there was a time in our life when we were put down; we were beat down. And so, I do that because of the vision and the prayers that our elders had.

So I just wanted to share that with you, that truly my heart is happy. While it's heavy, it's also happy at the same time. And if the committee decides, I would be willing to be in a leadership position because I have the support of my longhouse. I have the support of the tribal council. I have the support of administration. And there's children that have been on a conference call with Arne Duncan just two weeks ago on bullying and harassment, and they were so proud to be on a conference call with the White House on that call. So, it's those kinds of opportunities that we need to provide for our children out there in our communities. Thank you for hosting that call.

MS. THOMAS: I'm Virginia Thomas, the meek and mild.

[Laughter.]

In my language, loxados (ph), means I lied. But I am Virginia Thomas, and I have been doing JOM going on 39 years. I know I don't look it, but Grecian Formula and Oil of Olay works.

[Laughter.]

I sit on three national boards, councils. One is for the Indian Child Welfare that I sit on, and one is for -- and the other one -- well, this one, and then one for National JOM.

The National JOM Association, I'm the last of the founding members of the original fight to get that underway. And I was just reelected as the president, going on my 14th year as president for the National JOM Association, only because I'm the loudest one on the board.

My parents were products of Chilocco . I'm Creek on both sides of my parents, but they had a bad relationship at Chilocco. They ran away. They should have been the Class of '39, but they ran away. All the way to California, they ran. In my mother's words, she just wanted me to be happy. I'm the eighth of seven children, and two of us have actually gone on. Her whole philosophy was just be happy. And my father's philosophy is, "If you want to be a ditch digger, then be the best ditch digger you can be." Education wasn't that important to them because of how they were treated at Chilocco. But on the other hand, my aunt, who was five years older than my father, loved Chilocco. It was I guess how you took it.

I'm on this council because I believe that -- well, I believe that God put me here. Patricia cried, and now it's my turn to cry. I passed her a tissue when she cried. I don't want this old used one.

[Laughter.]

But my joy is to be with children, and the children that I work with all over this nation. I was just telling Patricia that I've been at this so long the kids that were little to me have grown up and now are tribal leaders, and tribal chairs, and directors themselves. And it scares me, because I still see them like this, because I'm only 24.

[Laughter.]

I, like my brother over here, do not want to sit on this committee and do nothing. My time is valuable because I know what I can do. I know where my expertise lies. And there's a lot of weight on my shoulders, and I don't mean that literally. But I'm not looking for a leadership position, but I'm sure the one you're going to hear, because I want to make sure that we make a difference. I don't want to sit here again and have to fight to be heard.

I want to thank you right now, Jenelle, for setting the tone for this meeting. I know that the hands were tied at the end of the last Administration. I know this. And I know how hard it was. I know that you would come to meetings and you couldn't say a word. You would look at us in that old empty way, and we all know what that look was. And we knew exactly what she meant. We knew exactly how you felt, and you couldn't do anything.

We're going to hold you to the promises that we heard this morning. And I hope that you witness here -- you're deeming with -- everyone here is the boss of where they come from, and it's hard to deal with bosses from where they all belong.

I chair the National JOM Association, and everyone on there is the boss of where they come from, and it's hard. But when we walk together in the same direction, there is no fussing, and that's how I see this.

I agree with my brother at the end over here, that we should keep our focus on NACIE and not any other organization, not anybody else. We're here to take care of this business, because we are all inter-tribal colleges or HeadStart or JOM or Title VII, IX, IV. Remember when it was IV? Oh, goodness. I feel really old when you go back all the way to IV.

But I've been at this a long time, and I want to see a difference. Whoever the next President is – I know I'm not going to be a three term on this committee. So, this is my last chance to make a difference, and I want to make sure we do it.

MS. LEONARD: I want to just thank each of you for sharing your experiences, your thoughts, certainly the wisdom of the elders that I hope we'll all internalize, and it'll guide us collectively, and you individually as you do your work here. I think that we're all really touched by the stories you tell, by the experiences that you bring to the table, and certainly -- not more importantly, but importantly, certainly we're honored to be in your presence, because you are --

I can say this openly to you, is that as we worked to plan to pull this meeting together, we really, really, respected where you came from and what you represent. And we said, these are the national leaders. These are the movers and shakers here at the table. And we certainly hope to get the best advice from you, because we want to move forward, and we're depending on you. And we're not going to stand in your way. We're going to with open arms, just help facilitate that process and progress, and to try to get the most done as we can.

Now, I have to say something. I've been serving as the acting director until we fill this position. And while you continue your work, I will not be the director. But just with the months that I have served -- and I think I said this to the National Congress when I first came in -- I am here simply to facilitate your work, to advocate on your behalf, to keep the ball moving until you get in place the director that will continue to lead this effort.

Now, because I've been involved in it so long, you won't get rid of me. Okay? I'm going to still -- when I go back to my regular job, I'm going to be right here with you. I'm going to still be advocating on your behalf. I'm going to still be making sure, for the programs that I'm responsible for, certainly that we are making sure that we continue to deliver services and take a real hard look at how the programs and the funding that we have are impacting Native American students.

So I am just honored to have had the privilege to work on your behalf. And we all here, all of us here, are so committed. We are working on your behalf. Let us know what we need to do. Okay?

Okay, I didn't mean to really kind of venture down that road, because we really do need to elect a chairperson and a vice-chairperson. So let me tell you what I heard. I heard four people, maybe five, who are interested in serving in a leadership role. So Thomas Acevedo.

Derek, I don't know if you did --

MR. BAILEY: Yes, I did.

MS. LEONARD: Yes, put your name on it. Okay.

MR. BAILEY: And hearing the two elders speak, I will humbly put my name -- and I say it this way, a lot of energy, drive, commitment, and if the Council chooses to, I'm there. But at the same time, we have such competent people sitting around here, we're in good hands. But I respectfully submit my name.

MS. LEONARD: Okay. So I have Thomas; I have Derek; I have Deborah; I have Stacy.

No? Okay. And Patsy. Okay.

So what we're going to is rather than have separate ballots, I've asked the contractor to do a single sheet, and put your names in for both chairperson and vice-chairperson, so when you get the ballot, you can vote one time, and we can tally, and we'll come back with the results.

Does that work?

MS. THOMAS: Now, you want us to put down chair and then vice-chair, who we want for those two positions?

MS. LEONARD: Right. Well, we have the names in the slots for a chair -- we have all four names in the chairperson, and then on the bottom half of the paper, we have all four names in for vice-chair. So when you get the ballot, you can vote for both chair and vice-chair. Okay?

Okay. So they're printing the ballots right now, and what I'm going to do is ask Karen to go over the handout that's in your notebook that talks about the responsibilities for the chair and the vice-chair.

MS. AKINS: I'm just so moved. This has been really an incredible day today. I'm just really honored to meet all of you-all. And please know that the handout we're about to go over -- I'm actually going to just -- I mean, everything that everyone said, along with the people that are interested in serving, doesn't even touch what Jenelle and I put down.

These again are just ideas that we had from the experience -- well, for myself, from the experiences when I've gone around and helped other boards and commissions elect chair and vice-chair. And you-all have just been so eloquent that there have been times, even now, when I thought I probably would cry. So I would just say that the things that are here are things that you-all have pretty much expressed. A lot of you have said that you don't have the time and availability, and we understand that.

I would just say that, as you've heard all day today, one of the things that makes my job a lot easier -- and Virginia has said to you that, again, last time our hands were tied. I'm a big believer in moving forward. So what's really helpful to me is that we have solid senior leadership that's committed to this council, our other boards and commissions. So, again, as Jenelle said, we're here to facilitate whatever you need.

So whoever ends up as chair or vice-chair, know that we're here also as a support to you. We all have staff. I mean, it's just been incredible putting together this meeting, everybody that pitched in and things like that. So I would just say to the chair and vice-chair that if you can make the time, we're here to help you. I think some of the things we had on this sheet about being comfortable in an open forum, running public meetings, that's no issue.

So I would just say just look to us for all the support that you need. One of the things I do want to point out, though -- the crucial points are that we definitely would want -- whoever the chair is going to be, the one thing that I've seen in the past is we really need someone that's going to make sure that

they lead the Council through making sure we get some solid recommendations to the Secretary, that we get the report out to Congress as best we can on time. There's a lot of internal channels. Unfortunately, we're government, so there is some review processes internally, but we'll work through that with you, but that report to Congress --

MR. YUDIN: Lord knows there are some review processes internally.

MS. AKINS: Yes, that's true. Anyway, yes. But that report to Congress is really important, and I think I heard a couple of comments earlier today. We really want some meat, some teeth to that report. So if the chair can make sure that we have some collaboration and things like that. But, again, I just even feel kind of -- it's not even necessary for me to go through all this.

So with that, if you guys have any questions of us before we take that jump, that leap, please feel free to ask us; but otherwise, I guess we'll --

MS. LEONARD: We're waiting on the --

MS. WHITEFOOT: Will we get a copy of that review process in preparing that report for Congress? Do we have some kind of outline?

MS. AKINS: I think what I would want to say, Patsy, is as we move forward, I think as a Council, we want to -- we've had outlines in the past, but I'd like to see you-all come up with -- I mean, again with us explaining to you some of the internal processes that we have to do for vetting and clearance, along with you, they'll work with the chair, the DFO, and just come up with how we want that to -- what we want that to look like. I would really feel uncomfortable using what we've done in the past, to be honest, because it was just -- I'll just leave it at that.

But I think we should work together and come up with how we want that to look. Maybe your subcommittees, as you break into those, maybe some of those folks would take on some of the work and break it into pieces. Again, this is your report, and we're just here to facilitate what you need.

MR. YUDIN: And Karen, we can provide at least some format guidelines.

MS. WHITEFOOT: Yes, that's what I was getting at.

MS. AKINS: Yes, absolutely.

MS. THOMAS: Is it possible that the Council here could get last year's annual report?

MS. AKINS: Yes.

MS. THOMAS: I think it's important that we see what that last report was.

MS. LEONARD: That report is in the briefing book.

MS. THOMAS: Is it? Okay.

MS. LEONARD: Yes.

MS. THOMAS: I just gave myself away. I didn't do homework.

MS. LEONARD: No, no. And the briefing book is maybe 50 pages long, so we really didn't expect you to go over it. I just wanted to point out that it is a briefing book. And John Cheek is back there.

Raise your hand, John. John was the person who put that briefing book together for you.

MS. THOMAS: And he is Muscogee Creek.

MS. LEONARD: Yes. But he did put the -- I am correct, the last report, right.

MR. CHEEK: The annual report?

MS. LEONARD: Yes. Thank you.

For the court reporter, that was John Cheek.

Virginia, last year, there was no report because the Board expired April the -- I'm going to get the date wrong, but it was somewhere in the 20s, April 20, 21st, 2008. The charter expired.

MS. THOMAS: Yes.

MS. LEONARD: And so it wasn't renewed until October 28th, '09, and so we missed a year where --

MS. THOMAS: But we did have that one report that was submitted.

MS. LEONARD: That was the one.

MS. THOMAS: Right.

MS. LEONARD: Yes. So you do have a copy.

MS. THOMAS: That should give a clue to everybody what happened. Do you get it?

MS. WHITEFOOT: So the next charter will expire 2011, which is just --

MS. LEONARD: Right around the corner.

MS. WHITEFOOT: -- next year.

MS. LEONARD: Yes.

MS. WHITEFOOT: So what does that mean? Are we done?

MS. LEONARD: No. It means that you, the sitting council, needs to work with us in getting that charter renewed before the deadline, before this one expires.

MS. AKINS: Or at least before you have another meeting, for sure. But it just means that -- the charter's just your legal instrument that enables you to meet, but the Council will go on through this Administration.

MS. LEONARD: So that would be one of your items on your list of to-do's.

MS. WHITEFOOT: Agenda items.

MS. LEONARD: Yes. And I'm trying to figure out why those ballots are being delayed. But let me just do this, too.

MR. YUDIN: Here they are.

MS. WHITEFOOT: Here they are.

MS. LEONARD: Oh, as we speak. Here they are.

MR. YUDIN: Good job, Carolyn.

MR. COOK: I'd like to nominate myself as sergeant-at-arms.  
[Laughter.]

MS. LEONARD: Alan?

DR. RAY: I'm here.

MS. LEONARD: Okay. So what we're going to do is we're going to take you offline and pick up the phone --

DR. RAY: I already voted.

MS. LEONARD: -- and you can tell us, and we can complete the ballot for you.

DR. RAY: Listen, I was just handed the ballot by my secretary.

MS. LEONARD: Oh, we sent you one.

DR. RAY: You sent me one and I've filled it out.

MS. LEONARD: Okay, we are so efficient.

DR. RAY: To your amazement.

MS. LEONARD: But we still want to take you off the speaker so we can get your vote. Okay?

DR. RAY: Okay. Shall I stay here on the line, then?

MS. LEONARD: No, stay online, we're just going to take you off the speakerphone.

DR. RAY: Okay.

MS. THOMAS: While they're tallying the votes, thank you. I have a gift for you, Jenelle, and for the other staff.

[Gifts presented to Council and staff.]

MS. LEONARD: Alan?

DR. RAY: Hi.

MS. LEONARD: Hi.

The results are in. Based on the majority vote, the chairperson is Thomas Acevedo.

[Applause.]

The vice-chair, Deborah Jackson-Dennison.

[Applause.]

Okay? And I will be happy to turn the meeting over to you. So tomorrow morning, Thomas will lead the meeting.

MS. THOMAS: Breakfast on you?

MS. LEONARD: Dinner on Thomas?

MR. ACEVEDO: Breakfast is easier than dinner.

MS. LEONARD: Congratulations.

MR. ACEVEDO: Well, first of all, thank you very much for showing the confidence. The one thing, I was listening to all of you as we went around the room, and I really reflected on the senior people at the White House, in terms of vetting of everyone here, and for our President Obama in terms of selecting all of us, this is a group of doers, and they did a phenomenal job.

You guys are a wonderful bunch of people. You can just tell that we're not going to waste any time. We've talked ahead of time, earlier on this morning, just about why are we on this council, and we said to get things done. And we're not going to be -- none of us have any extra time just to be sitting around looking at one another or wishing we could get something done.

So the one or two things that I heard Stacy say that really struck home with me is, let's pick our priorities and let's get them done. Let's not try to solve all of Indian education problems. Let's pick a couple of things that we can get done in the very brief time that Patricia mentioned, of two years or less, that we really need to make this all happen. So thank you all.

Meeting adjourned.

[Applause.]

DR. JACKSON-DENNISON: I just want to borrow that thing that says, thank you very much. Thank you very, very much. Thank you.

MR. YUDIN: Before you-all go --

MS. AKINS: Hold it. Hold it, please.

MR. YUDIN: Here are some confidential documents we'd like you to take home, take a look at, and we will discuss these tomorrow. This is regarding the director position.

(Whereupon, at 6:00 p.m., the meeting was adjourned.)

### **NACIE PUBLIC MEETING SESSION III, DAY 2**

MR. ACEVEDO: We have a quorum established. I'd like to open this meeting, public session of the National Advisory Council on Indian Education at this particular time. Thank you all for attending, and for those of you who are here in the room to listen to us make our deliberations and discussions.

With that, the chair would entertain any sort of suggestions or motions that the Council may have with respect to items that we dealt with in our closed session, to let the public know the direction we'd like to take on certain issues.

I would like to do a roll call of the Council members that are present. With that, Gregory Anderson?

MR. ANDERSON: Present.

MR. ACEVEDO: Derek Bailey?

MR. BAILEY: Here.

MR. ACEVEDO: Deborah?

DR. JACKSON-DENNISON: Here.

MR. ACEVEDO: Sam McCracken?

MR. MCCRACKEN: Here.

MR. ACEVEDO: Stacy?

MR. PHELPS: Here.

MR. ACEVEDO: Mary Jane?

MS. OATMAN-WAK WAK: Present.

MR. ACEVEDO: Patricia?

MS. WHITEFOOT: Here.

MR. ACEVEDO: Virginia?

MS. THOMAS: Here.

MR. ACEVEDO: Robin?

MS. BUTTERFIELD: Here.

MR. ACEVEDO: We have a quorum established.

Alan? I think Alan is off. Thank you.

We've established a quorum. With that, the floor is open for items that the Council members may wish to bring to the chair and for action by the Council as a whole.

MS. THOMAS: This is Virginia, and I would like to make a motion. Based on what we were able to discuss earlier in the executive session, I'd like to make a motion that we establish a subcommittee to conduct the interviews on the four top candidates for the position of the director.

MR. ACEVEDO: There is a motion on the floor to interview the candidates through a subcommittee process. Is there a second to that?

MR. BAILEY: Second.

MR. ACEVEDO: It's been moved and seconded.

Discussion?

MR. PHELPS: The only discussion I would have is that we provide a timeline along with that for the committee so that we can move the process forward and kind of have a final ending date on transition and stuff, and then reconvening as a group to review that.

MR. ACEVEDO: Thank you. Any other discussion on that?

DR. JACKSON-DENNISON: Just that you need to name the committee for the record.

MR. ACEVEDO: Well, I think we vote on the motion and then that will allow a designation of the committee.

Any further discussion on the motion?

[No response.]

There being none, I'll call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed?

[No response.]

There being none, the motion carried.

The chair, with the permission of the Council, will designate the committee. The subcommittee chair will be Deborah. The other members of the committee -- Sam, Robin, and Virginia will be the other committee members.

MR. BAILEY: Chair, a point of order. If we could please have advisement. Does the chair, not to diminish at all, have the capacity to issue such a statement or does that take the Council through action confirming his 30-day deadline?

MS. LEONARD: The chair does.

MR. BAILEY: Thank you.

MS. THOMAS: Mr. Chair, I'd like to make a recommendation. I know it falls within that 30 days, but since we are here, maybe the subcommittee could meet today, this afternoon, this evening, or before we go home, so that we could have some point of timeline.

MR. ACEVEDO: I think that is up to you as the subcommittee members how to decide when you need to convene and get things done, that we leave that in your discretion.

MS. THOMAS: Thank you.

MR. ACEVEDO: The chair will entertain any other motions or discussions that the Council may wish to do at this particular time.

MS. WHITEFOOT: Chair, I wish to make a motion, as a follow-up to the tribal consultation policy for the tribal leaders last fall. My motion is to honor the treaty's agreements, statutes, et cetera, made with American Indian tribes and Alaskan Natives. And as reaffirmed in the November 2009 tribal consultation policy, I recommend that NACIE and the Department of Education immediately begin reviewing and making recommendations to advance the tribal consultation policy internally with the Department of Education.

MR. ACEVEDO: Do I have a second to that motion?

MS. THOMPSON: So moved.

MR. ACEVEDO: It's been moved and seconded. Discussion?

MS. WHITEFOOT: Just this discussion point. Again, to advance this policy, in my review of the mission, the agency does not cite the treaties and executive orders, et cetera, that were made with American Indian tribes and Alaskan Natives, and I think that is important that we address that within the agency. Thank you.

MR. ACEVEDO: Other comments?

[No response.]

Hearing none, I call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed?

[No response.]

There being none, the motion is carried.

The other items that we would like to discuss I think are -- one of the things I talked about with the members here of the Department of Education was some background information that would be provided so that you would have an understanding of the strategy that the Department wants to pursue with respect to items that affect Native American education.

Jenelle?

MS. LEONARD: This may take longer than the time we have allowed before lunch, but I can continue after. I do have some packages here.

MR. ACEVEDO: So let's go ahead and get started with that understanding that when we convene after our lunch break, that we will pursue this.

MS. WHITEFOOT: Chair, while we're doing that, distributing this information, for the record, I'd just like to make certain that perhaps Jenelle announce this formally for the record, our chair and vice-chair for the committee.

MS. LEONARD: I sure will. Yesterday, we had a vote by the Council on two officers' positions, that of the chairperson and that of the vice-chairperson. Thomas Acevedo is the chairperson and Deborah Jackson-Dennison is the vice-chairperson, for the record.

MR. ACEVEDO: Jenelle, you have the floor.

MS. LEONARD: Okay. So what I'd like to do is to talk particularly about the Office of Indian Education and give you the state of the office, kind of update report. We'll answer any questions that you have.

Just using the past two days and the conversations that we've had about your commitment to really making a difference, to really leaving longstanding legacy of the work that you've done, and, also, in the spirit of truth and honesty and trust, you'll find in working with me that I'm very open and very candid about what's going on. And so, that's the relationship that I would certainly like to establish with the Council in sharing information.

The information that I was going to share is public, and as you deliberate and form your recommendations that will go to the Secretary, which will then come to the Assistant Secretary, as well, and eventually also impact the Office of Indian Ed, I would certainly like for you to consider recommendations that would help to strengthen, improve and better serve the recipients, the Native American students who are recipients of the funds and the services that the program provides.

So having said that, I want to say to you that there are basically three program parts to the Office of Indian Ed, the responsibilities that the Title VII or the office -- that the director would have responsibility for, and one is the discretionary grant side of the office; the other is the formula grant side of the office; and, the other is the national activities.

Just for the record, I would like to introduce those people who work on either side of those programs. Lana Shaughnessy is the group leader, manager for the discretionary grant program.

[Applause.]

And I think Lana -- she will correct me if I'm wrong, but she's been in the Office of Indian Ed for about six years.

We also have two other people who are on the formula side of the program.

Oh, I didn't see John back there. You know what? I kept looking, because Faye and Annabelle are blocking you. I could not see you. Please, forgive me. I did not see you. Yes, come forward. So you have John Cheek.

[Applause.]

Annabelle Toledo and Faye Lone, Dr. Faye Lone, who work on the formula side of the program. And there are other staff. It's just that these are the staff who are here right now. Bernard Garcia you know. Bernard couldn't be with us today because he's on annual leave, but he certainly wanted me to express to you that he wished he could be here, but he has a family emergency at home. So he's taking care of that.

This is Tenisha James. She's a recent employee in the Office of Indian Ed.

[Applause.]

And her position reports directly to the director's position, but she works on -- she came in as a career intern and she works on the payback system with the discretionary grant program.

So those are the three component parts of the Office of Indian Ed.

MS. WHITEFOOT: Is there a national activity represented here?

MS. LEONARD: No. There's no national activity. In fact, the director is responsible for the national activities work. Actually, I could start there, because that would be the shortest piece, and then we can get into the discretionary and the formula after lunch.

So the national activities piece -- and I really want to walk you through those documents that you have. And I think it's toward the back of the budget piece. I have two pieces in here. Yes. It's the Indian student education. This is the document, summary document, really, that comes from the congressional budget justification. And I'm going to have to defer to my colleagues here to remind me when that goes in, when that is submitted to Congress, this congressional budget justification.

When is it submitted?

MR. YUDIN: The President submits his budget to Congress in February for the following fiscal year.

MS. LEONARD: I know that. I don't know why that slipped my mind, because it is the first week in February, yes, that it goes. Anyway, okay. So my memory is kind of intermittent here.

So this is part of what I pulled from the budget executive summary so I could give some information to you. After lunch, I'm going to give you some more detailed information that you would need to know about the program, because in the full document, it does talk about -- for instance, in Lana's program, it talks about the number of continuation awards; it talks about the new grants that are estimated to be awarded in the upcoming fiscal year.

I do have to step back for a second and just let you know that for the FY-2011 budget, that we're operating under a continuing resolution. And that continuing resolution is -- the date is floating in my

mind -- December 3rd. So we are in a continuing resolution until December 3rd. So we're operating at the same -- at the 2010 funding level right now.

So let's look at the national activities. And when you look at the proposed amounts for national activities, first of all, you see the 5-year chronology of what has been appropriated for national activities, and we're at \$3.891 million. And for the national activities funds, the money there has a number of purposes. One is to take care of the National Indian Ed study, and, generally, it's approximately \$2 million that's set aside for the National Indian Ed study.

As I said, when I come back after lunch, I'll get you the specific dollars amount, because that is in the congressional budget justification document, as well.

Also, there is money set aside for the electronic application system for Indian Ed, which is the application system that collects the information needed to make determinations about grant awards for the formula side of the program, so for the ESE system. And that generally runs, I'm going to say, approximately \$400,000 a year.

The remaining funds are used for -- are contracted out, and in that contract, we have about five different task orders, and, generally, the contract is about \$1 million; not quite, I think it's \$981,000. So that's the money that's set aside for the contract. And the contract that we have right now is with Kauffman & Associates. They are the ones who are facilitating this meeting.

In fact, one of the tasks in that contract is to facilitate the NACIE board meeting. So money is set aside for that.

Another task is the technical assistance piece, and technical assistance takes on the form of -- it's broadly written in the contract, but it takes on the form of in the past, then developing technical assistance CDs and DVDs to provide information, program information on applying for the various grants.

It also has taken on conducting webinars and technical assistance meetings. There is some mention about doing regional technical assistance meetings, as well.

This year, because of the feedback that we were getting from the tribal leaders' meetings, what we tried to do was to align those activities with -- align it with some of the issues that we had heard and to address some of those issues by providing the technical assistance and the call that we had heard from the tribal leaders.

One of the things that we did with the dollars was to support the technical assistance federal workshop day with NIEA. And so rather than creating more technical assistance CDs, we decided to focus that money on providing a full day of technical assistance activities, and I think you have a copy of that in your packet.

Another thing that we decided to do with the technical assistance money, it was a way to support the tribal leaders' meeting. And so the six tribal leaders' meetings were funded at a very -- and just know that we're very prudent and very frugal when it comes to spending national activities money. It was to, at a very low cost budget, support the tribal leaders' meetings. And I say low cost, because we didn't want the frills, we didn't want the -- it was really just kind of bare bones. It was not about show glossy documents. It was more about we're here to do the business and focus on the business and not let all of the -- what do I want to say -- supplementary materials kind of overshadow the work that we were there to do. So the technical assistance dollars supported that.

I'm trying to think if there's anything else that we did with the technical activities money. I think, Michael, you can help me out if I'm missing something. Okay. So the technical activities money did that.

Another thing that the task order spoke to was doing some -- identifying best practices. And so there was money set aside to conduct case studies, and there were five case studies that were conducted. The contractor is still in the process of compiling that information and getting that information back to the Department.

MR. ACEVEDO: Jenelle, just a second. What are those case studies? Can you give us --

MS. LEONARD: Yes. One was on language and culture. In fact, I think two were on language and culture. One was on -- let me see. What else? Language and culture, student achievement, I think one looked at high school programs, and one looked at innovation and structure, innovative kinds of programs.

But rather than just go on the record for saying that, because I'm just kind of going from memory right now, let me pull that together and give you more specific information on what it was.

The one on language and culture really stands out, in my mind, because, certainly, hearing back from the tribal leaders, the focus on language and culture, we really wanted to pull some best practices out, because one of the things we wanted to do moving forward was to find examples and models that we could showcase, and that as Ed began to talk about how do you integrate language and culture across various programs, that we would have something to point to. So that one stands out in my mind.

MS. WHITEFOOT: I also have a question about national activities. Of the \$3,891,000 here, so it sounds like we're saying we have this contract with Kauffman & Associates, and so that's not on this document.

So I think it would be helpful to break that kind of information out, as well, so we know who the contractors are. And then in addition to that, I just heard there's case studies now. So who is that contractor?

MS. LEONARD: All of this is under the contract.

MS. WHITEFOOT: Okay. That helps to clarify it, then. And then is NACIE included in here, as well?

MS. LEONARD: It's under the contract. So what I was doing was to tell you that there are five tasks under the task order and I was going through the various tasks.

MS. WHITEFOOT: Okay.

MS. LEONARD: So NACIE was one, the case studies one, technical assistance one, one is just the work that the contractor is responsible for or required to meet with the Department regularly, and the other one had to do with the regional meetings.

MS. WHITEFOOT: Okay. All right. Thanks for clarifying that. It would be just helpful to have that outlined here, as well. So thank you.

MS. LEONARD: Okay. And the thing that I also said is that when I come back after lunch, what I'll do is I'll bring the more detailed version of that. That's in the congressional budget justification. So that's a thicker document, but I'll bring that so that you can see how it's broken out in terms of what those dollars are going toward.

The other thing is that this is the last year of the Kauffman contract. And in our spending plans, what we've proposed -- well, let me just say, for FY '11, there's \$1.251 million that is designated for the contract, the renewal of the contract.

So when I say that this is the last year of the Kauffman contract, it means that their contract ends September 30th, 2011. What our role is, or our task is, is to conduct the competition during this window of time, so that when their contract expires September 30th, come October 1, we will have a new contractor in place.

According to our plans that we have to submit internally, we are saying that we should have a statement of work to the contracts office, I'm thinking, January 15th. I know it's January. Don't quote me on these dates, because I've got a lot of them running around in my head. But I think it's January the 15th that we are to have a statement of work to the contracts office.

So in that, what we will be doing over the next two months is determining the tasks that should be focused on for the work that the contractor will do come October 1. What's guiding that work, what's guiding that discussion, informing that discussion will be what we learn from the tribal leaders' meeting.

Technical assistance was a big piece. Best practices, we have really nothing to point to for best practices. So best practices is another thing that has come up.

We've certainly heard from budget, and very strongly from budget, that when you look at the statute and you look at what's stated or authorized for the use of these funds; it's about data; it's about having strong program measurements; it's about being able to disseminate information to the public about this program. And so we have to go back to the drawing board and justify in this contract that the activities that are proposed really meet the authorized language. And so that's a challenge for us.

A lot of times, it's meeting with budget and justifying to them why we want to move forward with technical assistance, because it does have language in there that says other activities that support the improvement of student achievement for Native American students. Don't quote me verbatim. We'll pull the statute up and look at the language, but you will see.

MS. WHITEFOOT: So, Jenelle, since technical assistance was provided at the National Indian Education Convention, will we have the opportunity to review the results of the technical assistance provided?

MS. LEONARD: Meaning?

MS. WHITEFOOT: Evaluations.

MS. LEONARD: There was no evaluation.

MS. WHITEFOOT: There wasn't?

MS. LEONARD: No, because in order to collect data at the meeting, it's called data collection, we would have to go through OMB to get the survey or the instrument approved, and we did not have time to go through OMB to get them approved. But we do have comment cards.

MR. YUDIN: Right. So we did provide opportunity for participants to comment and we did get comment cards back. So it's no systemic evaluation, but --

MS. WHITEFOOT: But we'll be able to review some of those comments.

MR. YUDIN: Absolutely.

MS. WHITEFOOT: Okay. Thank you.

MS. LEONARD: Yes. We'll get that information to you.  
Mary Jane? I'm sorry.

MS. OATMAN-WAK WAK: Chair, I have a question more along the lines of clarification, because I know that we have some very dynamic staff here, but it's small. It's a small staff given the charge in the Office of Indian Education. So I have a clarification question.

Given your statement of a lack of best practices and the fact that we keep giving these formula grants out to schools, is it the contractor's responsibility or the staff responsibility to look at those trends where we've seen significant growth and student achievement within Indian communities to vet through what are their scientifically researched best practices that they're using with those communities? And will we be afforded a roster of Title VII program best practices that are scientifically researched best practices?

MS. LEONARD: Typically, when you're looking at best practices, it is not the responsibility of staff to do that, because it requires a level of expertise to do that. And what we do is we hire a contractor to subcontract and get that expertise. And, generally, it is a peer review panel of experts that will review the projects, making sure that they adhere to all of the rules of manners, being the credible evaluation of validity and to look at that to see, to examine, and put forth recommendations to the Secretary that these indeed meet the best practice standards.

MS. OATMAN-WAK WAK: Okay. Just a follow-up to that, then, because I didn't hear any of that mentioned within the scope of contract that Kauffman currently pursues.

MS. LEONARD: It is. It is included. It's detailed out. Yes.

MS. OATMAN-WAK WAK: I've just never seen that information disseminated throughout Indian country, then.

MS. LEONARD: Now, I can't speak to before July 2nd, but I can speak to from July 2nd on, and they are getting a report to the Department on the case studies. Yes. It's not available. In fact, they have a technical review panel. I think it consists of, I'm going to say, seven members across the country who

have worked on this, who have met on it. Actually, at the TA conference, the lead principal evaluator was the one who presented the five case studies there.

So, yes, for any product that comes out of the Department, there's generally a technical review panel that works on reviewing that information, vetting through that information, because it's the Department's seal that is going to go on that.

MR. YUDIN: Just a point of clarification. The publication of the best practices is not yet complete, so that's why you haven't seen it. But we did have, as Jenelle mentioned, a session at the Technical Assistance Day where the researcher was presenting the case studies and the work that was going on. But as soon as that is available, of course, that will be disseminated.

MS. LEONARD: So where is my next point to go to? So we're going to begin working on the statement of work for the upcoming contract. As a council, if you have recommendations on areas that we should focus on, we would certainly appreciate that, and, certainly, it would be incorporated in our planning and our thinking, because we have yet to develop the statement of work. So that's one thing on there.

MR. YUDIN: So that work should be paramount to the Council, if you decide to do that, because we are developing it now and it has to be submitted to budget in January. So we would welcome your recommendations on that statement.

MS. LEONARD: Yes, some guidance there.

Any other questions about national activities? Oh, let me give you one other thing.

One of the things that was funded out of national activities is the art competition exhibit. And we know from budget, and we've gotten the request from budget to discontinue that. And the reason that is discontinued is because it's not an authorized use of funds. It is not an authorized use of funds.

When you go back to the program statute and you look at what those funds are authorized to do, budget has been -- and I can be open and honest about this -- budget has been apparently -- let me just say, ever since I came on board, budget has had a real concern about that and we have got to adhere to the authorized use of the funds. And so that will be discontinued.

MS. WHITEFOOT: Could you make certain that we get copies of the authorizing statutes? That would be very helpful for us to have on each of these activities.

MS. LEONARD: I'm going to ask one of the staff.

Can we call back over and see if we can get statutes?

STAFF MEMBER: Yes.

MS. BUTTERFIELD: I had a question, and this deals with the National Indian Education Study coming out of the national activities. And it's my understanding this is just -- and it could be just because my historical memory is a little fuzzy, but that that was undertaken.

Is this the NAEP study?

MS. LEONARD: You're right, it is.

MS. BUTTERFIELD: It was undertaken because the regular NAEP study did not sample enough Native schools to get good data. But who pays for the NAEP study, in general? What budget does that come out of, and why can't these funds be taken out of that budget as opposed to the Office of Indian Ed budget, if we want to propose, say, something else under these national activities, like expanded technical assistance?

I'm just asking how -- we were talking yesterday about possibly leveraging other programs and the dollars that they have for certain types of work.

MS. LEONARD: Do you want to address that?

MR. YUDIN: I don't know the precise answer to your question, but that's a great question and we should know the answer to it. One of the things we are looking at, however, is how do we reduce the cost to our national activities, because it's a big chunk of money that we actually have to pay for that study.

The data is critical. We need to have the data, but the report and the analysis is actually very expensive for our program. So we've actually been in conversations. Peggy Carr is the director of the program, who presented the study yesterday when we were over at the Department and presented the data. So we're in conversations with her right now on how do we significantly reduce the cost of that study that we can put toward national activities.

MS. BUTTERFIELD: I would really appreciate knowing now that conversation, because it does seem to unfairly discriminate against our Native students. Simply because they're hard to sample, the burden of that shouldn't necessarily come out of the dollars that are for these purposes of improving student achievement. Data, of course, is important and that's why that was put into the national activities budget. But it seems like that would be another alternative to fund that activity and still get the results that we need out of some other budget.

MR. YUDIN: Sure. And NAEP is actually set out in statute. So the ability to collect the information and evaluations that NAEP does is statutory. But we need to go back and look and see if there is some room within the statute. My guess is that the statute sets the criteria for collecting the evaluations, and that's why it doesn't. So that might require a statutory change, but I will make sure and get you a clear answer.

MS. LEONARD: One of the things that I want to add to that is the importance of the study not only for researchers in the field who need the data to inform the community, but internally. I just want to do the flip-the-switch to the internal side of it.

In talking to Tom Corwin, who is responsible for budget service, in his conversation to me about the NAEP data -- I mean, about the NIES study, is that in early years, he didn't have enough data to justify continued funding for Indian ed, because when they are putting the congressional budget justification together, they really go back to the data to show the need.

So with the NAEP data, it provides him strong justification to build the congressional justification here. So in no way does he want to see that data not be collected. He needs that. We need that. You need that.

So we want to continue to move forward. We just kind of look at where can we trim around the edges, what do we actually need, and we certainly want to make sure that he has data going forward, because he is the person who -- I mean, his office, under the guidance of the Secretary, authors the congressional budget justification.

So we ask about the data. How are we doing on time?

MR. ACEVEDO: Is this a natural break for you?

MS. LEONARD: Yes, it is.

MR. ACEVEDO: The chair will entertain a motion to recess for lunch.

MS. THOMAS: I have a question before you do that, before we get off of it. There was that motion earlier about the subcommittee and what we were going to do.

I just want to put it on record that we respect the Secretary's decision about the selection process and that in no way were we trying to be disrespectful to the Secretary for the one candidate that we received, and that we know that there was a great deal of work that was done to narrow it down from those 79, and that we're just trying to be good stewards and go forth. And we want to relay that back to the Secretary that we are appreciative and we've tried to work together on this, and it had nothing to do about being disrespectful for that process.

MR. ACEVEDO: So noted.

MS. WHITEFOOT: And I have one quick question of Jenelle before we end this discussion. It's about the case studies. Were those with tribes?

MS. LEONARD: Yes, absolutely.

MS. WHITEFOOT: Okay. Just wanted to make certain. Thank you.

MS. LEONARD: Yes. But I'll get you the information when we reconvene.

MS. WHITEFOOT: Thank you.

MS. LEONARD: I'll have it.

Is there anything else I can get that I should share with you? I'll give you the detailed budget breakout, so when we talk about the other two programs, you'll have more details to look at. Okay. Great.

MR. ACEVEDO: Motion?

MS. WHITEFOOT: Motion to recess.

MS. THOMAS: Until what time?

MR. ACEVEDO: According to our agenda, we should reconvene at 1:15. Would you like additional time? 1:30?

MS. THOMAS: Yes.

MR. ACEVEDO: All right. We'll reconvene at 1:30. Thank you.

[Whereupon, at 12:29 p.m., a lunch recess was taken.]

## **NACIE PUBLIC MEETING SESSION IV, DAY 2**

MR. ACEVEDO: With the Council's permission, we'd like to call this public meeting back to order. Jenelle, if you would proceed.

MS. LEONARD: Continue? A couple of things, DFO duties. At the request of a Council member as to how we can make this less burdensome for you in terms of all the trees we're killing, we're going to ask the contractor to provide thumb drives and electronically get this to you. But, certainly, you will have the paper with you today, and I think it's necessary so that you can walk through some of these documents with us.

The other thing, too, is that I've asked the contractor to get you a UPS box so that you can put all of your items, documents that you've collected here in that box and anything else, other notes or materials that you brought with you that you don't want to carry on the plane. We'll put those in the box and UPS those back to you, as well. So just know that we're going to do those two things.

I was trying to think if there was anything else in terms of just kind of administrative things that we needed to talk about.

Now, I'm going to ask the chairperson – how much time are you going to give me, like 15 minutes?

MR. ACEVEDO: We can at least allow you 15 minutes, if not more.

MS. LEONARD: Okay. Because I just want you- all to be able to conduct your business, and to the extent that the information I provide you helps you to do that, then I'm more than willing to do that.

So during the lunch break, I did a couple of things, things that I really want you to see as I kind of walk through them. You asked me about statutes. I can tell you this funny thing. So I'm going online, printing the statute. I select print selected item. It starts printing the whole 1,100 pages.

So my person -- I said, "Figure this out, get just the section we need, not 1,100 pages, more paper." Anyway, we did not kill all of those trees; we just stopped it in the process. So we will have the statute for you.

But I did print the links, and I have a sheet that says where the links are, so that when you go back, you'll at least be able to go through those links, because everything that I'm sharing with you is pretty much online. The only thing, the details, like, in the briefing book, we do have electronic versions of those. That's not posted online, but we'll get that to you.

So what I wanted to do is I want to pass you two things. One, we were talking about the national activities. So we were talking about the national activities and what the authorized use of funds is for national activities.

So what I did was I did print that piece out, because I just wanted to just review that with you so that you understand when I talk about some of the things that, in the proposed statement of work, are certainly being suggested that it be eliminated, you will understand why that is so.

Budget really keeps us in check about spending. And I can just tell you that the way we operate in the Office of Indian Ed is that there is no one person making a decision about anything when it comes to policy. It is certainly a joint activity. So the program office responsibility is to certainly make recommendations. And when we make recommendations, we make them with general counsel sitting at the table, with budget sitting at the table, because before we recommend anything to the Assistant Secretary, we want to make sure that we have the authority to do whatever is being proposed to do.

So anything related to money, budgets is all with general counsel sitting at the table. So even when we look at the contracts and we look at the activities included, when budget says this is not an allowable activity or the appropriators would not see this as an allowable activity, and general counsel also speaks to that, as well, then we have to take that under advisement.

So you're looking at the national activities, and Section 7131 pretty much says that the funds are authorized to conduct research related to effective approaches for the education of Indian children and adults.

So I just kind of want you to think about and think about some activities that would fall under there, certainly, the ones that I've mentioned to you before we adjourned for lunch, the NCES study, the National Indian Education Study, case studies, so activities that deal with the research.

Evaluate federally-assisted education programs from which Indian children and adults may benefit. One of the things moving forward that we are proposing is to look at those programs that are funded under the formula, the 1,265, and to evaluate those programs. So that would be an allowable use of funds for national activities.

The collective wisdom and the recommendations coming back, certainly, other things that we should look at to determine programs which Indian children and adults from may benefit from; so the adult programs we need to look at.

Collect and analyze data on the educational status and needs of Indians, so that's another. So you see all of the national activities tend to be around research, evaluation, data, the analysis of that. So when I say to you that the art competition is one of the contract activities, that's the reason budget comes to us and says this is not an authorized activity.

Carry out other activities that are consistent with the purpose of this part. Now, when you think about that, you say, "Well, what's in this part?" Well, discretionary grants are in this part, formula grants are in this part. So when we say to budget we want to do technical assistance, that's consistent with this part.

Anything that you can do to strengthen, improve the program could be considered under number 4 here. Then C, the other thing, too, coordination, and this is where it specifically says that IES will do the Indian Ed study. This is where that language speaks to the National Indian Ed Study.

So as we move forward with looking at the contract for this year -- let me just say, you're eventually going to have a director. This will be the role of the director. My role, as the clock is still ticking when budgets are due, is to continue to move things forward so that when you put the director in place, things will be in place; not to let anything lag or drop through the cracks, but to keep it moving forward. So I need your advice.

Now, any questions about this? Because I want to give you an opportunity to further discuss, but also to share more budget information about the program.

Let's see here. So they brought me more paper.

MS. BUTTERFIELD: I do have one other question. Under this number 2, it says "may include collaborative research activities that are jointly funded and carried out with the OERI," which is your other hat, as I understand.

What kinds of collaborative activities have taken place?

MS. LEONARD: You know, I am not sure of any other collaborative activities.

MS. BUTTERFIELD: I know that the labs and centers at one point had an Indian initiative, this was like at least five or six years ago, where they had Indian staff at some of the labs and centers that met a couple of times.

Was OIE a part of any of that?

MS. LEONARD: I'm not sure. I can just say, in the time that I've served as acting director, I have not had any communication with them. And the other thing, too, is that OERI [Office of Education Research and Improvement] is no longer and the office is now IES. So it would be still the Institute of Education Sciences.

MS. BUTTERFIELD: What is it, IES?

MS. LEONARD: IES. Let me just say that when No Child Left Behind was put in place, this office existed; and, since then, the Technical Assistance Act of 2002 replaced this office.

MS. BUTTERFIELD: Okay. And what is it called now?

MS. LEONARD: Institute of Education Sciences. It's IES. NCES falls under IES now.

MS. BUTTERFIELD: But that still funds the labs and centers, right?

MS. LEONARD: It does.

MS. BUTTERFIELD: Okay.

MS. LEONARD: It does.

DR. JACKSON-DENNISON: Is that the initiative that was titled "What Works in Indian Education?" Is there anything that became of that or was that --

MS. LEONARD: I am not sure. I can find out more information from IES to find out what other work they've been doing.

DR. JACKSON-DENNISON: That was an initiative about five years ago or so.

MS. BUTTERFIELD: Yes. Labs and centers worked together on that.

MS. LEONARD: And the former director could have been working with that. I'm just not knowledgeable of it.

DR. JACKSON-DENNISON: Thanks.

MS. LEONARD: Okay. I thought I had budgets here for you to look at, because I know you had requested that. So that is coming. That is coming. What I have here is the actual statute.

But let me just go ahead and talk about the other two programs. I'm going to talk about the formula grant program, and we have staff from the formula grant program here. And I'm going to really kind of abbreviate this conversation.

As I said, part of the national activities money funds the electronic application system. In your briefing books, there is a timeline for when information goes out about when that application period opens. I'm not going to go through the details of when the application period opened, but I think what is under review for the Assistant Secretary is the new timelines for when the application will be open this year.

Typically, it opens around December. The first phase closes around the first week in February. And then there is a second phase, and it closes sometime -- the final work ends in May, so that we can get the applications or get the awards out by the July 1st deadline. We have a July 1st deadline on these awards.

This year, we were moving pretty much on track, keeping on track with the timelines. We ran into a problem this year, because budget decided to go back and audit the records for '07, '08, '09. And what they found was there was a miscalculation of award amounts for '08. And so a lot of policy decisions had to be made about how do we or whether we correct that mistake.

Legal counsel said that we had to first publicly acknowledge the mistake, the Department had to acknowledge the mistake, and that we had to go back and correct the mistake, and that correction had to come out of the FY '10 funds. Because I'm not looking at the figures, I'm going to say there was approximately a 3 to \$4 million mistake.

So what we had to do is we had to go back -- and it took us months to do this. But we had to go back -- budget had to go back, recalculate everything on what the schools should have received, aid, and then either it was some -- some got more than they were supposed to receive, some got less than they were supposed to receive. So they had to adjust it for the 1,260 something districts.

Then what we had to do -- so we made a decision, a policy decision, to go ahead, make the awards on July 1st, and then come back and reopen the system in July-August so that we could clear up, for recordkeeping purposes, the corrected amounts and make sure that we have the applications that supported the amounts that were awarded.

So that has all been taken care of. That is never to happen again. Right, John? Never to happen again. And, in fact, we put internal controls in place to make sure that that wouldn't happen again.

So moving forward, I think we're on track. I think that, certainly, in terms of outlining the work that the program will do this year, I think we've learned a lot, as I said, from tribal meetings. I think we've learned a lot from just communicating with the grantees.

We've learned, first of all, that there is a great need for technical assistance, and we spoke of that yesterday, in terms of how we would begin to speak with the superintendents, how we would begin to really try to come up with some strategies that would pull people together.

One of the strategies that was also discussed was even the coordinators of those programs, in the past, there has never been a real meeting of those coordinators. Of course, there is no funding to bring them together. So what we can do is either we can bring them together regionally, where they can talk to each other, where we can hear what the practices are, or even hear what their concerns are, their issues are.

I think when we were at the technical assistance meeting in San Diego, I know Mary Jane was in that meeting, and so she got an earful of the kind of issues that are surfacing out there that the program office will need to address.

So what the program office will do is we're going to come up with a plan for how we can systematically provide service, how we can help the contractor in identifying best practices, how we can strengthen the parent advisory committees or even have conversations with them.

So it's the grant coordinators, it's the parent advisory committees, it's the superintendents, it's all those people that we need to figure out, through technology, how we can have some conversation with them and hear, so that the program office can work to improve those things in the coming year. So that will be the kind of agenda moving forward in that office.

MR. COOK: There was a program a few years ago -- I think this is what it was called, the National Indian Parenting Information Center. I don't know if anybody remembers that. But what they did is they were funded through the U.S. Department of Ed. They were a technical assistance program that would provide -- these were parents, actual grassroots parents of children with special needs, special education, and they would go into communities and they would provide parental training, advocacy.

One of the issues in our schools is a lot of our Native kids are identified as special ed for a lot of different reasons, maybe sometimes you don't -- and there are cultural reasons why they may be identified, because of the second language things.

But I worked with them a little bit and I thought it was a fantastic program, especially parents that were the trainers and coming in. And my experience working in a public school district, which I spent five years of my career in, our parents don't have what we're talking about, technical assistance or people to advocate, things like that.

We had some of these really good programs and now they're no longer in existence. I think that we need to revisit some of those programs that provided those valuable services and resources for our Native parents, because we just have so many of those issues.

So that might be something that we could take a look at down the road. I don't know. I don't maybe understand all the whole budgets, but Department of Ed got a lot of money, more than the other programs. So when we have something that works, if it's not broke, keep it going, and it was an effective program.

MS. THOMAS: I just wanted a clarification about the \$3 million and how it was -- and I like the way you pointed out John. We all looked at him very deeply at this.

[Laughter.]

The outcome, you said some were overpaid, some were underpaid, and you said it was going to be reflected in the next budget. So those who were overpaid will be deducted from their next budget. The ones who were underpaid will be added to the budget. What's happening?

MS. LEONARD: It's all been corrected. It was corrected with FY '10 money, which was available to do that.

MS. THOMAS: And how was it corrected?

MS. LEONARD: For those who were underpaid, they were paid --

MS. THOMAS: Increased.

MS. LEONARD: Increased. And for those that - - and I don't think we had that many that were underpaid. But anyway, budget made the adjustment to correct it to the satisfaction of the general counsel.

I wish I had the numbers in front of me. If you'd like, I could tell you exactly the number that were underpaid and the number that were overpaid. But budget ran the spreadsheets. They do all of the calculations and they let the program office know what those adjustments are. But it was corrected.

MS. THOMAS: I'm going to use that lingo, you said it was a glitch in there. So that's a good one.

MS. LEONARD: It was a miscalculation.

MS. THOMAS: That's what I'm going to -- I have to write that down.

MS. LEONARD: Yes. It was a miscalculation.

MS. THOMAS: A miscalculation.

MS. LEONARD: It was a miscalculation. And so in them doing the audit, they found that it needed to be corrected.

MS. THOMAS: But it's now never going to happen again.

MS. LEONARD: It's never going to happen again, yes. The Department put the internal controls in place to just make sure that it doesn't happen again.

So moving right along real quickly, I'm just going to say to you that -- so that I won't have to take up your time just going over this, but in the briefing book, there is a very brief description that summarizes the statute. For each one of these programs, there is a chronology of funding for each one. And I can say to you that last year -- make sure it was last year -- yes. Last year and this year, the program -- well, last year, the program got a \$5 million increase in funding, and the requested amount for the FY '11 is at that same funding level. So it's a \$5 million increase. And we thought that was -- we were happy, because across OESE, a lot of programs didn't get any increases. They got decreases. And so Indian Ed did get a \$5 million increase, and it's holding at that level right now.

But the other thing that I wanted to tell you is that -- so all of the budget information is included here, as well as the details about, for the competitive grants, when we will go out for competition for a new competitive grant.

I'm waiting for the documents with the detailed budget so that I can speak to you and point to you in the detailed congressional budget the number of awards that went forth for continuation, the number of new awards that were proposed to be made for FY '10, as well as for FY '11.

So just to bring to your attention some of the things that matter and that -- not that other things don't matter, I just don't want to take up your time with the specific details that you can read.

But in terms of the program, there are a couple of things that we are working on to improve the program. In terms of the awards this year, there was a big delay. We came across another irregularity in the program, and because of that, where we normally would make the awards on July 1, we had to step back and put new policies in place and new procedures that we had to go through to ensure that we were meeting the statutory requirements of the law.

So we were able to make the awards by September 30th, with some conditions. And so we're working on those conditions right now. To give you -- to not be so big, but to give you some more detail, I can tell you -- let me just deal with the continuations.

One of the things that we ran into was there is a department policy, discretionary grant policy, that says in order to make continuation, that the office has to determine that the grantees have made significant progress, and you base that on the policy that you have received the performance report, you have reviewed the performance report and determined that the performance report shows that significant progress has been made.

Well, the practice was to receive two performance reports during the year, and the last performance report would have come in July 30th, 30 days after the award had been made, which was impossible to say that the grantee had made significant progress with the report coming in after the award had been made.

So we then had to go back to legal counsel and say, "Well, how do we do this? How can we legally do this?" And so general counsel -- we developed a form where we would pull all of the data we had available to us to make this determination that significant progress had been made.

So general counsel was okay with that. We had two independent reviewers review the work so that we would not say that we particularly read it and that whole conflict of interest. We read it, we

signed off on it, but we had independent reviewers do it. And so, we got through that progress and we were able to make some decisions to move forward. So that was one.

Then we had the new competition and there was a -- well, we couldn't move forward on the new competition until we resolved the continuation issues. So once we resolved that, then we moved forward to look at the new grant award.

So then we had to go back and review cost budgets and just look at what was allowable, allocable and necessary, and review and make sure that we had documented our review. So we did that with general counsel's review and approval to move forward. And so we were able to make those awards.

Now, what I can say, moving forward, is that, certainly, we will be meeting with the Assistant Secretary, general counsel, with budget to make sure that, moving forward, that the irregularities are corrected.

MR. BAILEY: Just a quick question. Since we're an advisory council to the Secretary and recommendations, is there any negative -- was there a negative impact or is there also a foreseeable impact on the recipients?

MS. LEONARD: No, no. I think in all of our consideration, it was to ensure that there was no negative impact on the recipient. We need to just make sure and ensure that we follow the letter of the law, and so we have.

We have a conditional piece, where we're now going back and reviewing some ineligible ones to determine that we made the right decision on determining that they were ineligible. And according to the general counsel, if we find any that should have not been considered ineligible, we're going to have to do a peer review process and review those. So there may be some additional grantees that get awarded grants.

MS. WHITEFOOT: Are these discretionary grants we're talking about now?

MS. LEONARD: Yes, they are. They are.

MS. WHITEFOOT: Okay. Thank you.

MS. LEONARD: They're discretionary grants.

So as I said, I wanted to be open, up front, and let you know what is happening, what the reality is, what is happening in the program office. I can tell you that we're working to correct anything that has been brought to our attention in terms of irregularities, because we certainly want to be good stewards of the funds. We want to certainly make sure that if this program came under the microscope, that we would get a clean record, that we would not be cited for any irregularities, because when you look at the support, the commitment on the part of the Department and across the Department, internal and external, for Indian ed, we just want to make sure, in the program office, that we have something that we can point to and say here is an exemplary program, we are doing the best work that we can; certainly, when we're talking about professional development and the programs that we're implementing, that it's producing the best products that it can produce. Because, ultimately, when you

are supporting teachers getting BA degrees or master's degrees, we've heard from tribal consultation you want those teachers to go back to the communities and work, and we want to make sure that we're doing everything that we can to make that happen.

So that's where we are in the program office. We're just trying to make sure that we correct anything that we may have been doing wrong; if there were bad practices, that we hold those practices up, we look at them, and we say this is what we're going to do moving forward. We're going to make sure that the program office will always be the shining light, that these programs will always be the best programs.

So that's our directive and those are our strategies moving forward, just to make everything right. So if we focus off just the management of the program to what the program is doing, we need to now be able to say that if you've invested \$50 million in professional development, what do we have to show for it, and we can't say that now.

So when you talk about national activities, maybe one of the things that we need to do is be able to collect the data to point to what is the end result. Where are our teachers that we've used the funds to help them get degrees? Where are they?

There is a story that needs to be told. And so when you think about activities, how do we get those best practices out? How do we say based on the funding that you've invested -- like, if you're investing \$104 million in formula grants every year, five years, that's, what, \$500 million. What do we share with people? How do we get those models so that people who are maybe not doing the best models or using the funds effectively, how can they look at something and say, "Oh, here's a model. I can use this model to implement a program." So those are the things that we're trying to move forward with in the program office.

MR. COOK: I felt real compelled to say this, because, for one, it'll be on the record and that, too, and we don't have a lot of time left, but thank you for all the work that you're doing. I want to echo what Patsy and many others stated yesterday, is we do feel hope, excitement that things are going to move forward, things are going to make an improvement for needy children or Hawaiians or Alaskans or American Indian students.

I'm so grateful for us today who try to follow in the footsteps of our ancestors who broke the treaties with the federal government or who signed the treaties with the federal government and protected the things that we have today. We have to thank them, because if it wasn't for our treaties, we wouldn't be here at this table right now talking about getting education. It would have been all said and done a long time ago.

During the '70s, when the Office of Indian Ed was established, thanks to many of our leaders -- there are so many, you can't list them all, but Bill Demmert and Will Antell and David Beaulieu and a lot of others, Dr. Jim Wilson -- the fear and apprehensiveness that I feel, and it comes from a lot of other people when we talk and share different things, is what can we do to make sure that these things are going to be sustainable, that it's not going to be -- that you are doing a really great job, we are moving forward, there's this excitement, there's the support, but the politics change. That's the reality.

How can we get ourselves in the position of sustainability, so that we are not going to go backwards next year? For example, this new director or the program manager, who is a senior

executive service, it's a career employee who is going to be the next director of the Office of Indian Education, how can we keep this momentum going that they do have the ear to the assistant secretary, the deputy secretaries, to whoever the Secretary of Education will be down the road or whatever? How can we get this momentum to stay and to stick, so we're not coming back here a couple years down the road saying we're at the same place that we were?

So one of the things that I know that people would like to see is with this program manager, this office of the director, how can that position be elevated to somebody that has direct access? Like, Maggie George, for example, on the White House Initiative on Tribal Colleges, she is within that scope of senior executives that have regular meetings with the director.

How can we be assured that this position and these things that we're doing will continue to be sustained and that person will have the ear of those who want to do things to make things better for Indian kids?

How can this NACIE board continue to be empowered to act in the advisory capacity that it does and to do the things that we do? Those are things that I kind of worry about. What's going to happen next month, next year, down the road? I guess we can never predict that, but it is a concern; that we want to continue to move forward, we don't want to move back.

So I don't know what we can do to make things so it's sustainable, so people can't come in here and say, "boom," with the stroke of a pen, and knock us back down again. But I think that's something that I think we need to talk about or figure out a strategy of what we can do to sustain this momentum.

MS. WHITEFOOT: We're talking about discretionary. We're not into formula yet, or are we? Are we kind of going back and forth now?

MS. LEONARD: I dealt with the formula first.

MS. WHITEFOOT: Okay. So now we're into discretionary.

MS. LEONARD: And now we're into discretionary.

MS. WHITEFOOT: Okay. So if we're into discretionary, then, I appreciate Robert's words and I want to keep reminding us about that, as well. Robert, thank you.

So we're into discretionary now. When we look at all of these grants, there isn't a real strong statement about upholding sovereignty in there. You have to read between the lines, consult, in the formula grant, that's in there. But when you get into discretionary and demonstration, it's also about building partnerships.

I'm glad that you're starting to take a more thorough review of it, because when the Indian Education Self-Determination Act was implemented years ago and it came down into, say, the Bureau of Indian Affairs, there was a real strong tribal preference there. There is a strong tribal preference there. However, when we get over into these discretionary grants, there is no tribal preference for these positions, because that language doesn't exist there.

So in many cases, we will have tribal people overseeing those projects. In some cases, you don't have tribal people overseeing those projects. You may get involved in planning a project by being a

good partner, and along comes an agency to say, "Oh, no, we're not going to be doing that." It doesn't say, "We have to have tribal preference in hiring."

So I think that there is a need for us to strengthen the language that exists in the discretionary grants and the national activities that advances what we've been doing over on the Bureau side, advancing the role of tribal preference in hiring for Native people to be in control of these projects that go out in our tribal communities.

Another piece -- and that is going to get us -- I guess that kind of supports the motion that was made earlier this morning, is to make certain that we're upholding the sovereignty of our tribes on a government-to-government basis.

There are programs, I think, that have done some good work with professional development and who have maintained records of where those students are. And I'm wondering about the possibilities of going back and taking a look at some of those programs that have continued to monitor where these people are today and to capture some of those success stories and best practices, particularly in the professional development projects.

I think that's something we should consider doing, so we're not having to reinvent the wheel, and ask, "Well, what allowed this to be successful as compared to this" or whatever; what has allowed these students to continue moving forward and being teachers in our schools today?

A challenge with professional development, though, is while the focus is on teachers and administrators, we also have the need for school counselors. And I think that in professional development, we need to allow for school counselors and people that are working with us on intervention, specialists, because we need to get those people on a career track, also.

Oftentimes, in these programs that we have, there has to be some flexibility allowed for that, other than teacher education and administration. And I realize these are very limited dollars. We have a small number of projects, but we should also allow for that kind of flexibility in our communities for these kinds of projects, because there is that need that exists particularly for these projects.

Then if we're also talking about demonstration, then -- and I can't recall where GPRA fits into this, because I haven't heard any mention of GPRA and the GPRA measures, and the consultation that may have occurred with Indian country about GPRA.

When I was in Tribal Council, we did GPRA for in-house service. So now GPRA is over here, as well. So what is the role of GPRA? I know it's in the discretionary. So where is it?

Then, finally, one issue that has come up is this whole new student identification system that is going on in our schools, and I'm wondering how that is going to compromise how our Native students are counted today, because that's something that we're currently grappling with in the schools where we're at, because the first question that comes out is if you're Hispanic or non-Hispanic. And if you say non-Hispanic, then you're -- or a child may be multiracial, Hispanic, then it automatically defaults.

So that's a major issue, as well. When we're talking about all of these grants, I think we need to make certain that we're keeping that in the front of the work that we're doing. But I would like to just say that there has been good work that's been done. We should be able to research some of that good work that's been done and those models, so that we can continue learning from them and continue moving forward.

Thank you.

MR. ACEVEDO: You're up.

MS. OATMAN-WAK WAK: Okay. Thank you. I guess I have one that's more along the line of a question and then two follow-up comments in regard to some of the dissemination -- to some of the discretionary grant programs that were mentioned.

Will there be a report forthcoming on the outcomes with the payback agreements required under the discretionary grant funding for professional development?

MS. LEONARD: Can I table that question to go with something else?

MS. OATMAN-WAK WAK: Sure.

MS. LEONARD: Okay. So I will answer that when I get to the very last piece.

MS. OATMAN-WAK WAK: Okay. And then I've had a lot of opportunity to do grant-reading under some of the Recovery Act dollar funding, and I think about nine out of ten of the proposals -- and very clearly articulated in all of the RFPs is set-aside of some of those grant dollars for dissemination activities and very clear priorities under those funding for sustainability plans as a part of that RFP.

Just a, I guess, suggestion on open record, in addition to maybe some of the conversations that my colleagues and I can have in regard to some of the future RFPs for some of these fundings. But I think it's just -- I cannot say it. During each one of the tribal consultations -- and I shouldn't say each one, because I didn't attend them all, but I've reviewed a lot of the notes from the different regional ones, and it was articulated by many of our tribal leaders across the country about reestablishing an assistant secretary position.

I don't think that we should necessarily spin our wheels on -- well, I think that we should, actually, keep spinning our wheels and keep pushing that down the throats of the Department of Education, not realizing the political ins and outs and the bureaucratic channels to make that happen.

I do know that there is also the avenue or channel -- I think it's really unfortunate, and I thank and commend Maggie George for her role for WHITCU and the service that she provides for the Department of Education. But I think, again, it's, for lack of a better word, neglectful to not have a K-12 policy advisor for Indian education. At least if we can't shoot for the moon with that assistant secretary position, that in the short term, we need to look at establishing a K-12 policy advisor for Indian education within the Department of Ed.

MS. BUTTERFIELD: I just had kind of a clarification question, because our questions and comments have been jumping around from discretionary to professional development, et cetera. But on page 14, there's a listing of the types of discretionary grants that can be given. Did I understand you to say that your staff does not keep summaries of best practices out of that?

MS. LEONARD: Yes. We don't have anything formally documented to report out. We don't have a formal report of best practices. But let me just further say that, typically, when you do best practices, it is contract work, because I go back to what I said this morning.

You want your experts to take the results that come out of the grant program, let's say, a professional development program. You want them to look across and you want to have a panel of experts to review the implementation of the program, to identify what were the real best practices that come out; so that they prepare the report for the Department.

That's typically how we do all best practices. It's never done within the program office, because we don't have the expertise to do that. We're not researchers, evaluators, and, typically, the Department is not the board. We don't say of ourselves this is a best practice. We typically refer to an external body who is considered an expert body, like a technical review panel. And the review panel does the work and then submits that body of information back.

So what I'm suggesting is that under the national activities, going back to something that Patsy said, is not to say that we don't have effective programs. What it is to say is that we have not collected that body of information so that we can share and disseminate that. And if we were to do that, we're going to look back over the last five years at the programs that have been implemented and then pull the best practices out and come out with a compendium or with some type of document to say that these are the best practices that have come out of this body of work for the last five years.

MS. BUTTERFIELD: Okay. Maybe I'm not asking the right question. I've been a contracting officer's representative when I worked in the BIA, and I oversaw grants and contracts from 13 tribal colleges and universities that were preparing -- they were doing professional development within the BIA system for staff within BIA schools.

I was keenly aware of the progress that those contractors were making in terms of providing service to those schools within their region and to the directives that we had given them to provide service.

That's what I'm asking. Don't you have --

MS. LEONARD: We do.

MS. BUTTERFIELD: -- that personal connection with those grantees --

MS. LEONARD: Absolutely.

MS. BUTTERFIELD: -- and are well aware of what they're doing?

MS. LEONARD: Oh, absolutely.

MS. BUTTERFIELD: Is that summarized somewhere?

MS. LEONARD: It is in a performance -- they submit a performance report to us annually, and they report on their progress that they've made in terms of implementing the goals and objectives under the grant that they were awarded, and we have regular monitoring calls and site visits.

Yes. We know exactly every activity they're doing. We know the status of it. So there is a constant communication there, but that's not public. We haven't published those performance reports.

We have that information. And what I'm saying to you is that we often say that it would be unfair to the grantee to publish their performance report, because it bears no really authority to publish those. So we don't publish those on the Web.

What we would do is -- and, typically, anything that you're going to publish in the Department and put on the Web, it has to go through department clearance. That generally takes another six months.

So what we do is we put a contractor in place to do and review that body of work for us. So they take from the performance report. So it's a two-sided -- what we've been discussing is two-sided. One is, yes, we know; we know the effective body of work that's going on. That's our role and responsibility to keep up with that, and it comes in, by law, through the performance reporting. If they weren't making significant progress, then we wouldn't continue to fund them.

MR. YUDIN: Can I just make a point to that? But the dissemination of best practices is absolutely critical, and that's clearly what folks are talking about. And one of the things that we've been discussing and that we want to continue to discuss with you all is developing these communities of practice.

There's a technical process for identifying best practices, but what we want to be able to do is create a platform for grantees and community tribal leaders and communities and school districts to reach each other and say, "You know what? We implemented this program. We faced these challenges, and this is how we overcame them."

We want to be able to kind of create that platform that creates these professional communities of practice, and that's what we want to do throughout technical assistance, some of our national activities dollars, as well.

MR. MCCracken: Michael, I want to just apologize first, because I'm going to beat a dead horse for the next two years, but I'm going to -- so as I read through page 14 -- thank you for bringing that up for me. But under the general qualifications, on Section B, it lists out the criteria. So on this page, I'm on this page 14.

MS. LEONARD: Which document are you looking at?

MR. MCCracken: I'm reading page 14. It says, "General authorized grants. Grants authorized, in general, the Secretary" -- and I looked at the criteria on number B, and it really calls out English, mathematics, science, foreign languages, art, history, geography. It calls out all of those key things that I'm sure my colleagues around the table are very much experts in. But as you look at it, there's nothing to the component of the whole student, and I'm going to refer to the physical activity component. That's going to be my agenda here, and I think my colleagues respect me for that, that I'm going to look at the whole student and know that he's going to be a better student if he's physically active.

So my question to you is, is that a priority for the Department of Education or are these the core values of the Department of Education?

MR. YUDIN: What I'd like to do is -- and at some point soon, I, unfortunately, have to leave to go back to a meeting and I can come back, but I wanted to walk through the ESEA reauthorization proposal.

To answer your question directly, a well-rounded education is an absolute priority for the Secretary. He's an athlete himself, recognizes the value. The President, the First Lady are out there talking about it. So it is an absolutely important component of the ESEA reauthorization. And when we go through it, I can certainly point to it.

MS. BUTTERFIELD: If I could just add real quickly. Number D does refer to special health nutritional services and other related activities that address some of those kinds of concerns. But can we get a summary of the priorities of what has been funded in terms of some of these areas?

MS. LEONARD: Right, we can.

MS. BUTTERFIELD: That would be great.

MS. LEONARD: And let me just take --

MS. BUTTERFIELD: If there were trends and that kind of thing.

MS. THOMAS: Before we get off into your five, I just want to say that I'm really happy to hear about this new thing that you're trying to put in place about sharing the best practices, because that's my concern about the networking of other programs.

I think that's really good, because why reinvent the wheel when somebody has already done it, and we don't have that in place now. And if we did, you would have a lot more programs that were meeting those criteria.

So I'm going to -- like you, that's my concern, is the networking, the partnering with other programs; if it works for you, then let's share. I'll give you what I've got, this is how I made it work. And that's the best thing that we can do to do something like this, because when I run my program -- like I said, I have 47 school districts.

We meet quarterly, the whole 47 schools, superintendents, principals, counselors, everybody, we meet together and everybody shares. I make them share, and that's the best thing that they can do is to partner up with someone else, "This worked for me. Here, here it is. This is what I did. This is how we did it. This is my tutoring program format, this is my studies skills program, this is how it is. And if it worked for you, maybe it'll work for me, it worked for you."

So I'm really pleased to hear that this is going to be in place. And what's the timeline to do this?

MR. YUDIN: Well, we want to do it with this contract money, with this technical assistance money. So that's what we need to do is as we develop the statement of work for these national activities dollars, how do we do it?

This is an OESE priority. This is what we want to do in the Office of Indian Education. But this is what Dr. Melendez wants to do with every single one of our programs. We have some, what, 25-odd programs in OESE. That's what we want to do.

We need to leverage every dollar, and instead of reinventing the wheels, we want to link communities together, because they know best are you a rural community, are you an urban

community, what challenges you had, were you able to recruit professionals. And so that's what we're looking to do across OESE and here, as well.

MS. THOMAS: Excellent.

MS. WHITEFOOT: So with the discretionary projects, the priority, though, in the past few years has been on items G and H.

MS. LEONARD: It has. Early childhood and --

MS. WHITEFOOT: How many years has that been in place? Those are the types of projects that have been funded.

MS. LEONARD: '99.

MS. SHAUGHNESSY: (Inaudible - off mic.)

MS. WHITEFOOT: They've been in place since '99.

MS. SHAUGHNESSY: This is my guess.

MR. ACEVEDO: I'd like to take the chair's discretion here, since Michael does have another meeting to go to, to get him to talk with us before he has to leave for his other meeting, in the event that the doesn't make it back from that.

So with your permission, we'll move over to Michael.

MR. YUDIN: So what I have here is a presentation that kind of outlines the Administration's proposal or the Administration's reform agenda. ESEA reauthorization is a critical part of that.

Actually, before I get into that, I'd like to just say one thing. As the council moves forward -- and we are here to work with you and at your disposal to facilitate any way we can. But I think it's important that folks start to think about what are the tools in your tool belt that you influence policy.

I think it was Mary Jane that talked about competitive priorities. In the grant process, that's absolutely a tool in the tool belt. Robert talked about sustainability, how do we build it in. We have budget issues which vary and we have administrative tools through regulations and through the grant-making process.

So as a council, I think it's important to identify how you want to achieve the recommendations that you're going to put forward, how you want to achieve the policy objectives.

So with that context, one of the ways is through the reauthorization of the Elementary and Secondary Education Act. So I could spend three hours talking about it, and I'm not, because nobody wants to hear me talk for three hours. But what I'd like to just do is kind of generally go over the framework.

This is a presentation that I had put together for another event, but I thought it made sense to share with you guys, as well. So just kind of starting from the beginning, in 2002, as folks know, Congress authorized the No Child Left Behind Act. That is a reauthorization of the Elementary and

Secondary Education Act of 1965. Every few years, Congress comes back and reauthorizes the legislation. In 2002, No Child Left Behind was the latest version of that law.

I'll talk about No Child Left Behind for a quick minute. There are a couple of things that I think No Child Left Behind did really, really well. No Child Left Behind is a piece of federal legislation started with the premise that every student can learn, and it built a legislative framework around that premise that every kid can learn. And it required districts and schools and states to focus on the achievement gaps of subgroups of kids and held schools and districts and states accountable for those achievement gaps. And I think that is actually transformational as far as a piece of federal legislation goes.

But as folks do know, there are a lot of problems with No Child Left Behind and there are a lot of things we need to fix, the one-size-fits-all. The narrowing of the curriculum, the race to the bottom in order to comply with the punitive nature of the law -- states' race to the bottom, many states' race to the bottom -- created very low standards in order for kids to jump the hurdles easily. Teaching to the test. There are a lot of these concerns and problems with the authorization. And as folks do know, No Child Left Behind is still the state of the law. So we have to reauthorize the Elementary and Secondary Education Act.

In March, Secretary Duncan issued the Blueprint for Reform, which lays out our reauthorization proposal. The President has set the goal, by 2020, the United States will lead the world in college completion. That is an enormously high challenge for folks to meet. A generation ago, we led the world in college completion. Today, we are ninth in the world in college completion. So how do we get back to number one in 2020?

The success of Native students in a country that thrives on the diversity of its populations, it is absolutely critical that Native kids and other diverse student populations succeed and move on and graduate from high school ready to succeed in college and the workforce. And that is kind of the basis -- one of the premises of the reauthorization proposal is that every kid should graduate from high school ready to succeed in college and in the workforce.

What that means is entering your first year of college without the need for remediation. We know that a majority of kids, I think it's something like 60 percent of kids that go into college need to take remedial courses. And as everybody here knows, remedial courses don't count for credit and you've got to pay for it anyway. And kids that go on and -- kids that have to take remedial courses, the more remedial courses you take, the less likely you are to graduate from college.

So what we've done is we are asking states to adopt college and career-ready standards for every kid so that they graduate from college ready to succeed. As folks know in this room, the graduation rate in this country, the high school graduation rate is woefully low. It hovers around 70 percent as a national average. We know that Native American kids', however, graduation rate is closer to 50 percent, and African- American and Hispanic kids are also similarly situated.

So first and foremost, we need to make sure that kids graduate from high school ready to succeed. And we talked a lot about expectations. That is the key, is setting the high expectations. It's setting the expectation that this kid can graduate from high school ready to succeed.

I'm not going to go through each slide, but I want folks to take a look at their leisure. E-mail me, call me. We can go through it and talk about anything you want to talk to. I am at your disposal.

Strengthening teaching and learning is absolutely a critical component. Again, college and career-ready standards, we need to have these expectations. We look at high-performing nations all around the world and they have common sets of high expectations for their kids.

Teaching to the test, the bubble tests that all our kids had to take, we need better; not just better, we need high quality, comprehensive assessments that look at critical thinking that measure a student's growth, that look at how a student learns, that look at English language learners and students with disabilities and actually are able to assess those kids. And, again, importantly, it's growth. We need to be able to measure growth. We need to be able to look and say a kid that's in fifth grade that's reading at a second grade level, if that teacher can get that kid up to fourth grade, that's outstanding work, and we need to be able to measure that.

We need instructional supports for our teachers. We need to move beyond the narrow curriculum. We need to ensure that students are -- teachers have the ability and the supports, particularly in high need communities, to teach literacy and the STEM subjects and many of the other subjects that kids need to learn in order to really receive a complete education and succeed in college and a global economy, like history and art and foreign language and financial literacy.

We need to make sure that kids in high school have access to a rigorous high school curricula. The single best predictor of academic success at the post-secondary level is the rigor and quality of a high school curricula, and we know that too many low income kids in this country don't have access to the types of courses and programs, like advanced placement or international baccalaureate or the dual credit programs, that really help these kids prepare and succeed at the post-secondary level.

If folks just want to turn to page 4, that's just kind of an overview of NCLB to our proposal. We need to continue to focus on the achievement gaps and equity. We need to shine the spotlight on where these large achievement gaps are.

NCLB we think lowered the bar. We need to raise the bar. We need to hold every kid to high expectations. We need to make sure that they finish high school and that they finish high school prepared. We need to provide flexibility to schools and districts, shift away from compliance. NCLB was just too prescriptive, and we need to shift from compliance to results, and what's the outcome. We're looking at the outcome. That's what really matters.

Well-rounded education. Again, this is a critical piece of our proposal. NCLB narrowed the curriculum. We need to ensure that states and districts have the supports to provide a well-rounded complete education and include those subjects in the accountability framework.

Again, we need to change the punitive nature of NCLB and move to a focus on rewards and success. NCLB is an incredibly blunt instrument and it ignored growth. We need to be able to recognize, again, those teachers that get those kids up from a second grade reading level to a fourth grade reading level. That's great work and we need to be able to identify that.

An accountability framework, if folks want me to go through it, I will. I'll just do it really generally. But what we want to do is -- the one-size-fits-all of No Child Left Behind isn't really working very well and we know that schools are being punished, whether they met their AYP targets by one point -- missed it by one point or missed it by 30 points, or one subgroup of kids missed AYP versus all of the kids missing AYP. The punishments and the consequences are identical.

So what we want to do is change that framework. We want to be able to set these high expectations. We want to be able to look at schools that are doing well, that are growing their kids, that their kids are improving and achieving and they're closing the achievement gaps, and we want to be able to reward those and model those and create those schools of best practice so we can model those successes.

We want to provide flexibility for those schools that -- those districts and states that have said, "You know what? If it is just a couple of points, we didn't make our targets, let's make sure that the state has the opportunity to identify the interventions that are necessary and target those interventions to the needs of the school." But for this flexibility, we're going to say, "You know what? We need to focus on the lowest performing schools." We need to look at those schools that, by definition, are not making any progress at all.

There are, in this country -- a study came out a number of years ago, it's called the Dropout Factor. There are about 2,000 high schools in this country, which is about 15 percent of all high schools, that produce a majority of dropouts. Again, that's 15 percent of the schools produce a majority of the dropouts in this country, and we know that they're overwhelmingly minority student populations.

We need to look at these schools and really, really focus. They have, by definition, not made any progress at all. The Department, the Administration has invested \$4 billion through the Recovery Act moneys to target rigorous interventions to these lowest performing schools.

So, again, this is the bottom 5 percent of schools, bottom 5 percent. You know what? You've had years to change, you've made no progress--by definition, you've made no progress. We're going to mandate some pretty rigorous interventions.

The top 10 percent of your schools, you're making the achievements, you're making your growth, you're doing what works, we want to reward and replicate. And for the rest of the school districts in this country, we're going to allow you to work with the states and come to us and propose the interventions that you think are best.

So that, in a nutshell, is the accountability framework for the Administration. A few other things I want to touch on is equity.

MS. THOMAS: Michael?

MR. YUDIN: Yes, Virginia?

MS. THOMAS: A question before you go on.

MR. YUDIN: Sure, sure, sure.

MS. THOMAS: When you follow on to the changes here, the overview of the changes that you have, it's good to see the well rounded education. How are you going to safeguard what happened before?

Like I mentioned yesterday, when we had our consultation hearings for the NACIE reform, parents were coming up literally crying and saying, "Our school has kicked my kid out because he didn't make AYP and because he was at a lower standard." They kicked him out to bring theirs up, and this was happening throughout the nation and this was the biggest thing we heard from all the parents,

saying, "They're kicking my kid out because he's not doing this and they're not helping him," but they want him out so that they can meet that standard.

MR. YUDIN: That's right.

MS. THOMAS: So how are we safeguarding this situation now?

MR. YUDIN: Well, I think one of the things we need to do, and this is a key focus of our proposal, is shifting the focus from compliance to outcomes and flexibility and really measuring what works and taking stock of what works.

The one-size-fits-all, like I said, the punitive nature and the compliance focus of NCLB drove those types of actions. I worked in the Senate for the last 10 years. I've been with the Department a number of months now. But that's all we heard about. That's all I heard about every single day from schools and districts around the country, that the compliance focus of NCLB created these horrible incentives in serving students.

So we need to completely shift the paradigm, and one of the ways we do it is by recognizing growth. So it's not this measure. NCLB said by the 2013-14 school year, 100 percent of your kids need to be proficient. And you need to set your targets that are increasingly there so that by 2014, you need to reach that 100 percent proficiency.

That's not what we're going to do. We need to change the paradigm. We need to say that kids are going to graduate from high school ready to succeed, college and career-ready. But we want to be able to measure growth and whether that kid is on track.

So we want to create incentives for growth, not for measuring some arbitrary number of proficiency that the state sets and then has to keep building year after year. But if we can measure growth, then that's the incentive to get the teacher -- again, that gets the kid up from second grade level into third grade reading level, even though the kid's in fifth grade, that's not going to punish the teacher. That's going to reward the teacher. We want to be able to reward the teacher.

MS. THOMAS: Is there any possibility in these proposed changes here to have something - when it says -- well, I'm trying to fit it all into this well rounded education. Parental involvement, that's the biggest thing about --

MR. YUDIN: Sure.

MS. THOMAS: The parents should be involved. If you're going to have to meet these goals and standards under No Child Left Behind, it's going to be the parents that need to be in here. And nowhere in this plan does it direct anything about parental involvement or even training of parents or how to do this. None of that is in this. So I'm trying to lump it into this well rounded education.

MR. YUDIN: Well, we actually do try to build it. So if folks want to just skip ahead to page 12. We actually have --

DR. JACKSON-DENNISON: Can I say something?

MR. YUDIN: Sure.

DR. JACKSON-DENNISON: First of all, I've always been a big proponent of No Child Left Behind, because it was right down my alley of accountability, just when I was doing my doctoral dissertation and all that came to surface. It did bring accountability to Indian country.

In our roles as we sit here on this council, very important work that we do, I'll go back to something that I said yesterday and something that was brought up as far as advisement and then this whole idea of flexibility.

I'm coming from Arizona and it's one of the most backwards states in our country as far as recognition of the 22 tribes that we have our state and the issues that we have, the flexibility at the state level. How are we going to ensure that -- it's something that I mentioned yesterday, where the plans are submitted to the federal level. In Arizona's case, it was called Arizona Learns under NCLB. It was submitted to the federal level here, and at the time when that happened, I was working as a federal projects director in the largest school district in Indian country in Arizona, which is Chinle; that's where I was working.

I kept thinking to myself, "Well, that plan doesn't include ways of addressing the issues," because Arizona Learns -- they tend to just -- it's the one-size-fits-all, as you put it. So now that we have this flexibility, it's really important that we have someone at the federal level, whether it's this advisor that Mary Jane talked about or whether it's this -- because we don't have anybody that's a key person here at this level that's over both -- that's over all of Indian education that can look at that plan and say, "Okay, State of Arizona, you're not including language and culture, because you're saying that English is the only language that we want to be taught."

So in this process of flexibility, it's left off at the state level, because they're recognized as a local educational agency of the state. They're not looking at Window Rock school district, where I'm at now, and saying, "Hey, you have a fine immersion school that's really producing quality education for students," and they're saying, "No, no, no, we want to -- we're so afraid of the immigrants coming into our state that we're going to cut you off, too, with it."

So that's where I come in as very passionate about wanting to see this flexibility written into the reauthorization for Indian students to -- for educators to really implement that.

So who at the federal level will be looking at this, making certain that that flexibility is built in for school districts like my school district and like others that we represent?

The other thing is that when this whole idea of race to the top came out, all of a sudden -- back in the beginning, when I was reading up on Secretary Duncan's proposal as to what it was going to require, I had always been looking at the statistics in our state. And all the Arizona schools, Indian land schools, are the lowest performing. I knew that. We all know that in our respective states that we look at. I'm talking about public schools.

So in my role in the Arizona State Impact Aid Association, I looked at that data. And why is that our schools just can't -- so when Secretary Duncan's proposal came out that we would be considered as part of the plan for race to the top, I already knew, eventually, the State of Arizona is going to have to come to us Indian educators and ask us. And sure enough, that happened back in March.

I got a phone call saying, "Would you come to the governor's office and tell us what you're doing in your school districts that are making a difference?" And so we're there, but then the attitude is, "Oh, well, we're just trying to hurry up and get this in so that we can hurry up and get this application submitted."

So it goes back to the flexibility part and the well rounded, well grounded, I guess it should be, well rounded education system. Systemic reform is what we're talking about. And I kept trying to explain that to the representative I was talking to.

It's systemic reform we're looking at. We're not looking at programs, because they kept saying, "Well, New Mexico is doing this and this state is doing that." It's not a program. It's the system that has to change to meet the needs of the students that we're serving now. And so that idea can only come to light if we look at that flexibility and we look at these things that -- they're the right things in there, but how do we enforce it at the state level? That's my biggest concern.

That goes back to this position that we're talking about at the federal level that needs to be kind of the accountability person there, because I don't know if the director has that authority or who has that authority. And that's where I feel like we're missing the boat to some extreme.

MR. YUDIN: Well, it's the assistant secretary's role to ensure that the states adhere to the plans they're monitoring. And Dr. Melendez is absolutely committed to changing the way we monitor and provide technical assistance.

So we want to maintain a strong monitoring of states, that they meet their plans and they meet the program requirements that they have set forth, that they're actually implementing it. But we also want to provide technical assistance and actually not just say -- not just comply, check-the-box kind of compliance, but actually provide meaningful program improvement and technical assistance that actually does hopefully change things on the ground.

We have a pilot that Dr. Melendez implemented that we're moving across the Office of Elementary and Secondary Education that will change the way we monitor to include technical assistance program improvement as a part of it.

MS. OATMAN-WAK WAK: My question is kind of a follow-up in regard to what you had just mentioned there in regard to growth and progress, monitoring and accountability.

How can this happen in a holistic approach if there is that disconnect between Title VII programs? Idaho school districts, public school districts, nine of them operate Title VII programs. I've reviewed every single one of those continuous improvement plans, with no mention in their state-submitted continuous improvement plan is there a reference to Title VII or their impact aid dollars that they receive in lieu of the nontaxable lands.

So are there any -- I have some suggestions that might even be a little bit controversial as far as states that apply in lieu of an LEA, but it's hard to talk about accountability and monitoring progress when those systems don't apply to Title VII or a Title VIII programs.

MR. YUDIN: If I can just respond really quickly. I think you're absolutely right, and Title VII is a supplemental program. And at the end of the day, it's Title I that needs to be -- and that's one of the

things that we tried to push kind of at the TA Day, that's where we had all our Title I folks there, is that's the lever, that's what's going to change it.

Title VII is a critical program. We want to strengthen it, and I have it in one of the slides, we want to strengthen it with language immersion and culture, and we want to provide capacity-building to tribes and tribal educational agencies and strengthen our parent committees and all of those really, really important things for Title VII.

But there's more, and that's Title I, and that's holding our districts and our states accountable for the \$14 and a half billion in federal money that's going out. And the requirements for achievement and graduation are not in Title VII; they're in Title I.

MS. WHITEFOOT: Exactly.

MR. YUDIN: So we need to kind of think about how we change that conversation, as well.

MS. WHITEFOOT: And I was also going to just remind us that Title VII programs, having worked on them, are supplemental programs and we want to hold the school districts accountable to Title I programs and the other titles that are in the system.

But I almost feel compelled to make a motion, because -- and it gets us back to this -- I'm not sure what kind of function that we need in the Department of Education, but it's this whole discussion that we've been having around an assistant secretary of Indian education.

Just simply because we're not going to get back together for a while and if we don't do it now, then we're not going to move forward, I think, like we need to be. It would complement the discussion about the earlier motion to move forward on supporting tribal sovereignty, but I also think we need a separate one to make certain that as we move down the road here, we need to have this kind of function within the agency, as well.

I appreciate the references that are made to strengthen formula and competitive grants, particularly for Title VII, because I think that's what we've been saying is flexibility. We want language immersion, Native language restoration, all of that, strengthening the roles of our tribal education departments and strengthening the role of parents and creating change, working toward changes within Indian education, as well.

So that's where I'm at and I guess I'm going to, because time is running out and we only have about an hour or so left. My proposal is that as we continue to move forward, that the Department of Education and NACIE act upon the critical need for an assistant secretary of Indian education function within the Department of Education or a similar role, such as a White House initiative on Indian education to address these comprehensive needs that we have in Indian country. That's my motion.

MR. ACEVEDO: Is there a second?

[Motion seconded off mic.]

It's been moved and seconded. Further discussion on the motion?

MS. OATMAN-WAK WAK: The only discussion that I have on the motion is that it falls in directly with the tribal leaders' consultations, that unanimous perspective from Indian country about restoration of the Office of Indian Education or restoration of the assistant secretary of Indian education.

MR. ACEVEDO: Any further discussion? Question?

MR. MCCRACKEN: This has nothing to do with the motion. I'm in total support of that. But as we've gone through presentations -- Michael, I just want to thank you for your passion that you showed presenting this. I mean, I'm a believer and I came in a skeptic. So I want to thank you for your passion, for presenting in that manner, that it really matters.

So I didn't know that I was going to feel that way, but I was talking to my colleagues here, and I think we're all in agreement that if we could find that same passion in our director of education, we're going to have a great guy there.

[Laughter.]

MR. YUDIN: I appreciate that. Thank you.

MR. MCCRACKEN: I think Michael has a job.

MR. YUDIN: If I may, because I still want to actually address Virginia's question about parents and parental involvement.

MR. ACEVEDO: Thanks, Michael.

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

[Chorus of ayes.]

All those opposed?

[No response.]

There being none, the motion's is carried. Michael?

MR. YUDIN: I had two things, before I get to the parents, I want to say about teachers. Effective teachers matter. Teachers and leaders matter, as folks here know. We need to do everything in our power to make sure that the best teachers, the most effective teachers are teaching where they're needed the most.

So we need to look at equitable distribution of effective teachers, and we have a whole set of recommendations to do that, and we can talk offline what those are.

Parental involvement is absolutely critical. The President has identified it as a priority. Secretary Duncan has identified it as a priority, and Dr. Melendez has fought to double the funding in Title I for parental involvement. And our proposal will now call for doubling, literally two -- so under current law, 1 percent of Title I funds must be spent on parental involvement. It's now going to be two, under our proposal.

So we're looking at increasing parental involvement in a couple of ways. One is integrating that throughout our proposals; ensuring that parents are -- ensuring, requiring that parents are provided

clear and understandable information about their child's school and about the standards and the expectations that are in place.

Encouraging parental involvement in decision-making around school turnarounds, that's a critical component is the lowest performing schools. I do know -- off record, I do know that New Mexico has a number of really low performing schools that have very large Native student populations, and we need to make sure that they're included in this and that parents are up front and involved in the decision-making on how to turn these schools around.

Diverse learners, we need to support activities that actually do a better job of engaging parents. But preparing teachers to work with parents, that's an absolute critical piece. Supporting programs that have a complete education; secure, safe, healthy schools, and so on. So again, doubling from 1 percent to 2 percent, that's a total of \$270 million nationally that would go up for parental involvement.

So I'm sorry I rushed through this, but take a look at it. This is no official document. This is literally a presentation that I had just made. So it's my off-the-record, informal presentation. It's not the official.

The blueprint is the official blueprint of the Administration. This is just my interpretation of it. And we have copies for you here. But by all means, by all means, give me a ring, shoot me an e-mail, and I'm happy to walk through and discuss it. That was for the record. That was for the record.

MS. THOMAS: Before you leave, Michael, I just want to reiterate what Sam had said, that if we could wrap you and Jenelle together, we would make the director we want.

[Laughter.]

MR. YUDIN: Thank you. I appreciate it.

DR. JACKSON-DENNISON: Michael, I, too, want to thank you, thank both of you, and get your permission to use this with my governing board at home.

MR. YUDIN: I will send an electronic version for folks and I'll take off any official Department of Ed stuff.

DR. JACKSON-DENNISON: I'll have some new board members to educate when I get back because of the election the other night.

MR. YUDIN: I'm going to try to come back, if I can get out of my meeting and you all are still here.

MS. OATMAN-WAK WAK: I guess as you are up and walking out of the room to your next meeting, I was really hoping to see something in here that is reflected in the blueprint around schools that are persistently low performing and that are reaching that tier for looking at restructuring. The blueprint does not meet the needs of Indian country as far as restructuring.

MR. YUDIN: Yes. If I can address that. So our proposals, we've heard it, we've heard it in tribal consultations. I sat in on a hearing on the Senate Indian Affairs Committee. Charlie Rose testified before the committee.

We need to make sure that the turnaround models -- under the school improvement grants, there are four. There's closing the school; reopening as another organizational entity, whether it be a charter or some other management organization; a turnaround model, which would require replacement of the principal, and 50 percent of the staff has to be turned around and a number of interventions. And then there's the transformation model, which is the most flexible model, which would require the replacement of the principal but not the staff.

We did that, actually, in response to concerns from rural communities, that they just didn't have the capacity. But we are absolutely looking as a department, and I welcome the recommendations, because I know that Secretary Duncan is open to suggestions on making turnaround work. It's got to be rigorous, it's got to be real, it's got to be hard, because, by definition, these are the lowest performing schools; but at the end of the day, it's got to work, and we need to make sure that these programs are actually turning around and working for kids.

MS. WHITEFOOT: And language is important. So when we look at the language that you put down on this document, I just want to remind us that on the page that has strengthening historically underserved children, those foundational supports, you list Indian, but we want to make certain that we also include Alaskan Native and Native Hawaiians in there, too.

MR. YUDIN: Yes.

MS. WHITEFOOT: Because we all share similar issues. And then I don't know how this can be done, but I was just looking throughout the document and it's like other documents that you receive. The emphasis goes to state-developed college and career, state this, state that. We really need to start putting in state and community or something. Community needs to be a part of that, because if you don't, then the state is just going to take state officials, just like federal folks might take federal officials only.

So we need to think about how we say state. Can we add on something? Because that's where part of the battle lies, was tribes even being able to be at the table with states in the first place. So we need to think about how we state "states."

MR. YUDIN: If I can just say one final thing. One of the things we're looking at and welcome your thoughts and recommendations on is how we build in a requirement that states actually work with tribes and get consultation in a workable and meaningful way. We don't want to require it if it's not going to work. We want to make sure that it's really a meaningful requirement. So that's something we're absolutely looking at and would welcome your thoughts on.

MS. WHITEFOOT: That's just my experience in what we're doing in communities, parent and community engagement. Community is important, as well, for us, that we would be the tribe as part of that community.

MR. YUDIN: And one other thing -- I keep saying one other thing, one other thing. We have a number of programs, actually. We have the Promise Neighborhoods program, which is not an OESE program, that really is a community-wide grant program, Promise Neighborhoods, that really looks at the community as a whole and really creates cradle-to-career strategies for the whole child.

MS. WHITEFOOT: And you're right, because that's the kind of model that we're using. We're using Indian education as a foundation and taking a look at some of the data from other funding sources that we're bringing in. Indian education provides a base to work from with parents and community in a holistic manner.

MR. COOK: I want to mention something. I just finished a tenure at a BIE offering at school. And when we're talking about technical assistance, and that's been brought up a lot, we all realize that is a huge need in Indian country, especially when you have these grants that are highly competitive.

Many of our school districts don't have grant-writers or development offices and things like that, so they really need assistance to help them to be competitive, to bring in resources and dollars into the communities.

Now, we went through a nightmare at Pine Ridge High School because of the ARRA dollars that were coming in. ARRA was there to supplement and a one-time help to not supplant the funding, but to help bring in programs. But it was so dysfunctional that I remember sitting in meetings with our superintendent, our line officers. There was no direction from the Bureau on how those ARRA dollars were to be spent. They kept changing the rules of how you were supposed to do it, how you could use it. They tied your hands if you were in restructuring.

In schools that had made AYP, they were more free to be more liberal with how they wanted to use it; but schools that were in restructuring or improvement, our hands are really tied and they said, "You just can only spend it for this thing," but then they would never -- there was no help to help us to figure out, well, yeah, we need to spend it on math and reading, but what are some different ideas, what are best practices that are making a difference to turn around achievement. But it was a real nightmare, and we ended up almost losing money because there was no technical assistance for the people who were doing that.

So I just want, again, to state that it's so important that we provide resources and technical assistance for these communities that really lack -- that are rural, that are smaller. It just seems like when you have competitive grants, it's always the haves that always get more and the have-nots don't get anything. And it's the have-nots -- it's tough to pull yourself up by your bootstraps if you don't have boots to begin with.

So I just wanted to state that and, also, thank you for all your work. And I also agree that we do need somebody in a position to continue to leverage for us. So we don't want to move backwards. We appreciate all this thing, and we support our Office of Indian Education staff. We know they're limited in what they can do in the services they provide, and that's why we're advocating for them also to provide services.

In South Dakota, we have an Indian education coordinator. Mr. Moore served in that position, Mary Jane, there's others that serve in these positions, but they're a one-man gang or woman gang or whatever. They share secretaries with five other departments and things. So they're really strapped for these things, but yet we rely on a lot of them. So I wanted to say that. Thank you.

## NACIE PUBLIC COMMENTS

MR. ACEVEDO: Thank you very much. Thank you very much for all of your comments. Michael has to step away for a few minutes.

We're now into the public comment period, and we have two individuals who would like to address us at this particular time. In the interest of allowing them sufficient time to speak with us, but also to be able to stay within our meeting needs, I'd like to limit each of you to 10 minutes, if that's acceptable to both of you and if that's acceptable with the Council.

With that, logistically, are we going to have them sit at a microphone? You have one up here. Thanks.

So Colin Kippen, from the National Indian Education Association, will be the first one who will address us today. Colin, please come forward.

MR. KIPPEN: Aloha ia oukou, all of you. My name is Colin Kippen, and I'm the Executive Director for the National Indian Education Association. I really want to tell you actually how excited I am that this council has been appointed and that you people are here. You have an incredible opportunity to be able to represent your communities, not as members of specific organizations, but as individuals who have a breadth of experience addressing the issues that affect Native children, Indian children. And so it is absolutely an incredible opportunity for you.

I want to say, on the record, formally, that I think it's a measure of the good faith of the Department in assembling this body, so quickly appointing you, and, also, having the assistant secretary attend, as well as the deputy assistant secretary, as well as chief counsel, as well as all of the other support staff from the Department that are here. This is an opportunity for you to have a conversation one-on-one and to get the real story about what's going on so that you can make the policy changes that are absolutely needed for us to move education forward.

What I've done is I have prepared just a very small packet, gifts of information, and these gifts are gifts that we have been working on at the National Indian Education Association.

As you may know, or may not know, National Indian Education Association represents American Indians, Native Alaskans, and Native Hawaiians. And what we find and what we know across this land is that the issues that we deal with as Native people bind us together because they're similar. Wherever your venue, wherever you live, wherever you're from, the issues that we share in common are similar. We are not monolithic. We are not one people. We do not all share the same language or the same culture or the same matrilineal or patrilineal systems. But we do share the need to be able to be recognized as a Native people who we are.

That is -- if I had to summarize one thing about what it is that we are trying to do at the National Indian Education Association, it is to build that, to define what it is, this thing that holds us together, this idea of language, this idea of culture, this idea of alignment, this idea of nurturing the self.

Many of you come from business backgrounds, education backgrounds, public service backgrounds. What you all know is that self-determination starts with the self. And so language, culture is absolutely crucial, because that is at the heart of who we are as a Native people.

So very quickly -- and I know you were all there. I know that everything I've said you live. But I just needed to say it so you know what it is that we represent at the staff level and at the board level at the National Indian Education Association.

So I'll just go really quickly through the three gifts of information that are here. The first thing is a -- it's a red book, and it's a small red book. And what it is, is it's a summary of a bunch of important sort of pieces of information that you all know, but that you may want to be able to cite and use.

In the business of politics, we talk about how policy is made by an elevator speech. This is your elevator speech, because there's just not enough time and space for us to say all that needs to be said. But you need to be able to reference it. And as you're doing talking points, as you're being invited to speak to your legislatures or to your tribal councils or to your business associations, whether they be at the local or the regional or at the national level, these are the things that you can turn to.

I want to give some recognition to the National Education Association for their assistance and partnering with the NIEA to produce this piece of work, because it is a nice summary for you to be able to use as you go out and really advocate for Native education. So that's the first thing.

The second thing that I want to point you to is a set of joint recommendations that have been vetted and approved by both the National Indian Education Association and the National Congress of American Indians, and they have the logos at the top from both of our organizations.

I need to make a disclaimer to you so that you understand this. I'm not here to lobby you. I'm simply here to give you some information. Take what you like, use what you like. Advocate for the pieces of this that you may like. But, really, it is your decision as to what it is you think is most important in how we improve education for Native children.

So if you look at it, basically, I think you can look at it in sort of basically three ways. The first thing here is to really strengthen tribal control of education. And I got in on the tail end of your conversation here about how it is that funds need to be distributed, that whole conversation about Title I and about whether or not tribes, as tribal entities, are able to participate in decisions about how the funding will come down and how the programs will be structured as the federal government gives money to the states and the states then pass it down to other organizations, local education agencies and others.

So that's the big idea. There are some specific requirements in there of things that we would seek. I'm not going to go into that. Now, you can look at that and you could see which of those you think are particularly appropriate, because I see that I'm running out of time.

The next thing I think, which is really where I started this conversation, which is really about language and culture, because that is, in my opinion, what goes to the heart of what it is to be Native, what is different about us as Natives as opposed to any other citizen of the United States? And that is something we always, I think, need to go to.

So you're going to see there requests to strengthen our language and culture-based programs.

The next piece of this has really to do with how it is that we shore up our teachers and our administration at our tribal schools and schools with high enrollments of Native students, and there are some suggestions there, as well.

Finally, and these last two, I think, are very similar in terms of their approach. One of them has to do with promoting interagency coordination. The other one has to do with consultation.

Consultation is what is happening here. Deputy Assistant Secretary Yudin was here speaking with you. You have Jenelle Leonard. She is your DFO. She was here. You had Assistant Secretary Melendez. That is consultation.

Your ability to sit down and say, "You know, we could do a better job of this, let us help you" is really what it's about. But we have some specific requests of how we think consultation can be improved, but I guess the big idea is that it needs to be improved, because when tribal nations act on behalf of their students, they need to be able to engage in that government-to-government conversation.

So that gets two of the three pieces of – we call them "gifts" in Hawaiian. So they're gifts. The last gift is a gift that is from our organization to you. It is the speech that was presented at our last convention, which was a week and a half ago, by Dr. Gipp.

As fate would have it, Dr. Gipp is here, as well, to address you. So I'm not going to go into what he says. But what he did, basically, was queue up a call for an initiative on Native education at the highest levels of this government, and he has some supporting documentation in that. I will let him speak to his own document. He can do it much more justice than I ever can speaking on his behalf.

But again, I want to say to all of you, thank you for your decision to serve. Take full advantage of this opportunity. It's not one that comes along frequently. And, finally, Godspeed, God bless, and safe travels back to your homes. Aloha.

MS. BUTTERFIELD: One other gift that I think the NACIE Board would appreciate is a list of the current NIEA board members.

MR. KIPPEN: I will. I will do that, as well. Since we got back into it, I will say this. I would just like to very briefly introduce just two of my staff who are here. I see that I have a minute, so I can get them in.

First, Amy Martin, she's director of communications, and she is in the back row. And Danny Cup Choy, he's working on a grant that we have. We also have a third person in the office, who is Wanda Johnson. She is our convention coordinator.

I am going to, later today, announce a national search for a policy director at the National Indian Education Association. We are the recipient of a Gates grant and I will be putting out today, later today, and I will send it to all of your e-mail addresses -- I would really appreciate it if you would look at it and send it forward to all of the people in your communities or people who you know at the national level who you think should be involved in helping us to really build the best policy team possible at the national level.

So that's something that we're going to do. The recruitment is going to be immediate and I am going to be interviewing as quickly as I can to be able to fill that position. We're a small agency, but that doesn't mean we can't serve you and we can't figure out how it is that we can connect with this organization in a way that's more effective, so that we can better serve our Native children. Thank you.

MR. ACEVEDO: Thank you very much.

[Applause.]

Our next member of the public I'd like to come forward is Dr. Gipp. Dr. Gerald Gipp, if you would come forward, please. Thank you.

DR. GIPP: Good afternoon and thank you for this opportunity. I congratulate all of you for your presidential appointments. It's very important, I think, to Indian education and we've gone without the NACIE for a long period of time. In fact, even when they were organized back in the other Administration, we didn't see a lot happening with NACIE.

My comments, of course, are simply personal. I hate to say this, but I've been involved in Indian education almost 50 years now, 48 years. I dropped out for a year, held out until NIEA came to me and said, "We need some help on an interim basis." I was willing to do that.

So what I share with you is based on my experiences. I had the privilege of serving as deputy assistant secretary when we were in good times with OIE, and I reported to the Secretary of Education. Unfortunately, as you know, OIE has been demoted. We saw where it was reinstated for a brief period of time during the last Administration.

So we know that can be done. It can be done without a lot of money. People want to talk about money, it's going to cost a lot of money and so forth and so on. I don't think that's factual, quite honestly. Yes, there may be some additional costs, but we're not talking about a lot of money in that sense. So I'm hopeful that that will happen under your tenure as presidential appointees.

So what I share with you is based on all of those years that I've spent in four different government agencies, as well as providing leadership for the tribal colleges, as well, at the national level.

When I was asked to speak at San Diego, rather than simply say, "Well, here is what we did during my interim time with NIEA," I guess maybe my frustration, and maybe I'm impatient -- after 40-some years, I want to see some more change. But the thing that I didn't see happening -- and while there are all kinds of good people in the Department of Education, throughout the federal government, lots of good folks on the Hill who want to see good things happen with Indian people, right now, I think it's kind of shut down.

What we really need to happen is we need a national strategy for Indian education, and that's what I tried to say to the body out there. We need to begin to raise questions with our President.

Native people across this country supported our President to be elected in some instrumental states across this country. And so I think we have the right to stand up and say, "Hey, we need to be recognized as a national priority." And that's critically important, because how long have we fiddled with formal education?

Two key statistics in that little paper, and you heard the gentleman say it here this afternoon, less than 50 percent of our students are graduating from high school. That's unacceptable. Those of you who have children, do you want only half of your kids to graduate from high school?

The other key statistic is 1 out of 10 students that enter college, only one graduates with a four-year degree. For me, that says it all. You can do dropout studies, you can do all kinds of studies, retention, those two things say it all.

So I think we really need to stand up and holler a bit. And you can read the paper that I wrote. It's simply a speech and it probably has a lot of errors in it and so forth and so on, but it's what was in my heart at the time. We really need to push our government. It's been too long.

How many years have we engaged with formal education? And our students continue to fail miserably. And it's very easy to say, "Well, we're in difficult times." But if you look at the amount of money that goes into Indian education, it's hardly a sliver in terms of the dollars that are spent.

So we need a national strategy. That strategy should include not only the Bureau of Indian Education, but also public schools. Robert mentioned something. We need assistance out there. That assistance should cut across all of those schools that impact Indian students in this country. We're talking about, what, 600,000 in the public school sector. We're talking about 40,000 in the BIE sector.

So we have a lot of work to do when you look at those two statistics that have been put out there in 2010. And I think that if we can get the President -- I realize he's got lots of pressures, lots of things to do, a lot of people chasing him around on some of these issues, but we need to stand up. We need to stand up and holler. We need to make it very clear that we need a national strategy that takes into effect those two school systems.

Some good groundwork has already been laid to move forward. We have more professionals today than we ever had in the past 40 years. Those of you who might have been around 40 years ago, we were nowhere. We were at ground zero. Today, we have a lot to build on. We have authority to govern schools. Right now, 120 of the Bureau schools are being governed by local communities, and that's good. But they're still failing.

Something that was mentioned here, parental involvement, it goes beyond that. It goes to our communities and our tribal leaders. We need a national initiative that helps to train our people to learn how to govern. We don't need the tinkering. And what I've seen at the short time that I spent at NIEA is that we are tinkering right now. Yes, that tinkering is important, but we need a national plan, a national strategy.

Another good thing that's coming about are tribal divisions of education. We need to support those. Those folks, if we could build expertise at that tribal level, it could relay to the public schools, and they could help guide what happens in those school systems.

But when you're talking about elevating the Office of Indian Education, again, you're talking about governance, you're talking about additional resources. The other thing is that within the Department of Education, you have 42 programs that fund Indian programs in public schools, basically. They're not coordinated. They're all over the place.

So, basically, I guess what I'm trying to say is we have piecemeal Indian education. We need a national strategy. We need a national plan. If we could get the President to say a few words about Indian education in his address to Congress, that would be a major step forward.

Right now, he's talked very openly and is very concerned about public education. Did he ever mention Indian education? Not once. I realize we're fighting an uphill battle, especially with the recent elections. Nevertheless, we shouldn't stop. We should continue to work forward.

So, in general, that's what I've tried to say in my little paper there. Take it for what it's worth. I think we need to continue to press regardless of what the situation is. We need to ask for resources that will help us to do that, again, because the amount of money that's going into Indian education is but a minor sliver in a big piece of pie.

So I'll stop there, but those are the kinds of things that I've experienced over my 40-some years in Indian education and then what I saw here at the national level. It's very easy for people to say, "Well, if the Administration would come forward and tell us this is what they want, we would be glad to do that." We heard that on the Hill; talked to people in the Administration and they said, "Well, if Congress would tell us which direction to go, what they'd like to see, we'd be glad to do that."

So I understand the reluctance to move forward, to be more aggressive and try to make changes in Indian Ed, because of all the problems that we're dealing with, the deficit, war, you name it. You're all aware of that stuff.

So it's time to act. Maybe my time is up here, but I would be glad to talk to any of you about my ideas. They're not my ideas. They're simply things that I've heard over the years and experienced, too.

So I appreciate the fact that you're committed to coming in here and trying to do something under these circumstances. You have a tough job and I admire you for doing that. So I wish you the best of luck. If I can answer any questions, I'd be glad to do that. Thank you.

MR. ACEVEDO: Thank you, Dr. Gipp.

[Applause.]

Any questions from the Council members of Dr. Gipp at this time?

MR. COOK: I appreciate you sharing that 1 out of 10. There are many times, when given the opportunity to speak, I say, "You know, imagine a school with 200 kids; 100 graduate, 10 apply to college and only one finishing. This is not acceptable." I said that in the National Indian Education Study this morning. It's not acceptable.

I have two kids and it's unacceptable for me, as a parent if one of my kids dropped out of school. But yet, it's the norm that's been going on. We have to do something. We have to have a call to action.

We sat down last April with the Secretary of Interior and the Secretary of Education. It was a historic meeting. There were eight or nine of us in the room, and, apparently, they're continuing to dialogue and things, too. But yet, in my time as a principal in a BIE-operated school, there's still no action. We still have kids that are dying. We lost a 16-year-old in a car wreck today on Pine Ridge, and a 17-year-old probably won't make it. He was airlifted.

We have these things going on all the time. It goes so much deeper. We don't even have paved roads on our reservations, and we expect 90 percent attendance. If they don't get 90 percent attendance, we take away funding, we punish them, rather than helping us to have the infrastructure and the needs and the resources to get our kids to school, have the best teachers, provide them the best options, and to help them feel that they have hope for the future.

I want to serve to do something. I don't want to be an inactive board. I don't want to be disempowered. We want to move forward. We want to be aggressive and to make a difference in the time that we have.

That's why I said, please, let's don't lose this momentum, because right now we're in a crisis situation. We operate on a crisis situation in our Indian communities. We're reactive. We don't know how to be proactive, because nobody has come to help us to be proactive.

So a lot of times, when we get up here, we tell our -- people say our war stories. Well, we heard this. We know there's a high suicide rate. We know there's a large dropout rate. We hear these things all the time. Why are you saying them again? Because, damn it, they need to be said, because nothing is being done. Nothing is being done, and that's why we have to say it over and over.

DR. GIPP: I think one of the few things that's really important is to elevate the Office of Indian Education. And if you give a person the authority -- if you look at the website today of OIE, it contains

everything in there that you'd want an assistant secretary to carry out, everything. But that person that's serving now as the director doesn't have the authority to do it.

It talks about representing Indian education at the highest levels. It talks about promoting coordination among programs across the Department. Those things aren't happening. Right now, I understand you have 12 people in the Office of Indian Education dealing with 1,300 grantees. What does that tell you about priorities? Those folks, they don't have time to even call them up, let alone guide those programs and make sure they're operating the way they should be operating.

So there's a lot to be done in that regard; 1,300 grantees they're responsible for directly, because they fund them directly and they're responsible back to OIE in terms of reporting to Congress and within the Department, of course.

So you don't have to look much further than that to say what's our priority in Indian education. But right now, legally, according to the legislation, OIE is the most prominent Indian program in the Department of Education, and yet it's shelved under elementary and secondary education.

This has no reflection on the people that oversee these programs and promote them and so forth. There are lots of good people there that want to help. That's the way it is.

An assistant secretary could relate to the folks in the Interior. They could do coordinated planning. There are all kinds of things that could happen with the current funding as we have it today. It's not going to take all that much more money to do it, with two basic goals, more effective, more efficient programs, coordinated programs, cooperative programs. Lots of things can be done. I'll stop there. Thank you.

DR. ACEVEDO: Just a second. We'll take one more question of Dr. Gipp -- Alyce -- and then we have another presenter.

MS. SPOTTED BEAR: Thank you. I just have a comment in regard to what you said about one out of 10 graduate from college. It's been our experience at the Fort Berthold Community College that our students fare better at the tribal community college than they do when they go off to other colleges and universities, and we attribute that to their having a strong base of support from their family and the community when they come to our college. And we also try to meet whatever needs they have with what little we have.

So I think there's a real need to up the funding for tribal colleges, because we think that we are doing a better job of educating our students with higher education.

DR. GIPP: Right. Thank you for that comment.

MS. SPOTTED BEAR: Thank you.

DR. GIPP: Absolutely, I agree with you. That's been well documented that our students -- and I was a tribal college president myself at one point. So I understand that, and that's a tool that's there that could be better utilized by the federal government and the states, as well, to promote education.

They have the capacity. In some cases, they do not have the capacity. But one of our goals with those tribal colleges is to fund them better so that they can build that capacity, and that's one of the

things -- it's mentioned in the paper that the tribal colleges are one of the key things out there that we can build on.

So there are lots of things to build on, but we shouldn't be pleased with where we're at right now, with the way our students are achieving in the classroom. They're not doing well. And yet, we've come so far in the past four decades. We've come a million miles. We've come from nowhere, basically. Tribal colleges are an example of that. We had nothing like that 40 years ago, and now we have that. So we've made progress, but do we have to wait another 40 years? That's my question. Thank you.

MR. ACEVEDO: Once again, thank you, Dr. Gipp.

[Applause.]

DR. GIPP: Can this be put into the record?

MR. ACEVEDO: Yes. We will submit it for the record. Thank you.

The third person who would like to address is Richard Guest, on behalf of Native American Rights Fund and the Tribal Education Department National Assembly. Richard, come forward, please.

MR. GUEST: Thank you and good afternoon to everyone. As you said, my name is Richard Guest. I'm a staff attorney with the Native American Rights Fund here in their D.C. office. And at the request of Amy Bowers, who is in our North Boulder office, she asked that I come and provide an oral statement for the record, in addition to the written report that she has submitted as part of the record, as well. And this was just to underscore the importance of the work of TEDNA, as well as the work of the Council and our respect for the Council on these questions.

I just will merely read the oral statement that she prepared and any questions, any concerns, any issues of a technical nature I'll have to leave to her to answer or respond to. I'm certainly willing to hear those questions or concerns, but I may just have to forward them on to Amy's attention.

"The Tribal Education Department National Assembly is a membership organization for the education departments of American Indian and Alaska Native tribes.

TEDNA was started in 2003 by a grant from the U.S. Department of Education's Office of Indian Education and has been heavily supported by the Native American Rights Fund.

TEDNA is an advocacy organization that works much like this Council to improve Indian education law and policy. A central theme to TEDNA's work is to increase the role of tribal governments in Indian education.

In the 1970s, the federal government adopted the policy of tribal self-determination and began authorizing tribal governments to operate a wide variety of federal programs that serve tribal communities.

Forty years of tribal management and fiscal accountability has proven that tribally-operated programs better serve tribal communities than federally-operated and, in most cases, state-operated programs.

Despite demonstrated successes of tribal governments in areas such as health care, law enforcement, natural resource management, domestic relations, federal policy supporting tribal government administration, operation and management of Indian education is notably lacking.

TEDNA, tribal leaders, and educators urge this council to recognize the capacity of tribal governments to better serve tribal students and increase the role of tribal governments in Indian education. Tribal governments, acting through tribal education departments or agencies, TEDs and TEAs, have vast untapped potential to improve Indian education.

Over 200 of the 560 federally-recognized tribal governments have education agencies located in 32 states. TEDs and TEAs can help the federal and state governments serve tribal students. They can assist with the most fundamental education improvement and accountability functions, like data collection, reporting and analysis.

TEDs and TEAs can help in other areas, as well, including the development of curricula, standards and assessments, teacher training, research, and specific local initiatives, like truancy, truancy intervention, dropout prevention, and tutoring programs.

Federal law and policy should be developed and amended to support TEDs and TEAs performing these functions. Currently, we have an opportunity to make this happen, as the Elementary and Secondary Education Act is up for reauthorization. The Act is the most important federal law that applies to tribal students.

The Act currently has 10 titles, with multiple programs. Some are general programs, like the Title I, improving basic programs, and some are specific to Native Americans, like the Title VI Indian Education Act programs.

Tribal students, whether they attend Bureau of Indian Education-funded schools or state public schools, are served by all of these programs. These programs could do more to help tribal students by recognizing or enhancing the role, including in public school education of tribal governments as sovereign nations.

In particular, TEDs and TEAs are in a unique position to coordinate data on tribal students that is generated by various and sometimes multiple sources, including federal education programs, public school systems, states and BIE-funded schools.

For tribal students, this never has happened. Now, we can only imagine accurate and current tribe- wide, statewide or nationwide database reports on tribal students. But if such reports were available, agencies and legislatures of all governments could make data-driven decisions regarding tribal students.

For the data roles of TEDs and TEAs to reach their full potential, the Family Educational Rights and Privacy Act needs to be clarified by an amendment that includes TEDs and TEAs as being among the education agencies, authorities and officials to whom protected student records and information can be released.

Without the advanced consent of parents or students, such an amendment to FERPA would be consistent with TED and TEA programs authorized by Congress since the ESEA reauthorizations of 1988 and 1994, and, thus, would bring FERPA up to date and in accord with ESEA.

Also, each and every ESEA title needs to better connect TEDs and TEAs with states, public school districts, BIE-funded schools, and the various federal education programs that serve tribal students. In

particular, the role and responsibilities of TEDs and TEAs with respect to the public schools, which nationwide serve 92 percent of tribal students, are very limited and outdated, especially with respect to the LEAs located within tribal geographic territories.

This ESEA reauthorization should elevate the role of tribal education departments and make education policy consistent with the federal policy of tribal self-determination by generally authorizing or increasing tribal eligibility for all pertinent ESEA program and formula funding; including state level formula funding; increasing the role of tribal education departments and agencies in the education functions supported by ESEA; authorizing intergovernmental agreements in education between tribes and states; increasing the appropriations authorization for tribal education departments and agencies; and restoring the Office of Indian Education to the Deputy Assistant Secretary for Indian education.

TEDNA's written comments submitted to the Council today provide more details regarding these recommendations. The President's blueprint for the reauthorization of the ESEA stated an intention to increase the role of tribal education departments and agencies in Indian education. We look forward to working with the Council and the Administration to make that a reality. We thank you for the opportunity to address you today."

MR. ACEVEDO: Thank you, Richard. Questions from the Council members? Mary Jane?

MS. OATMAN-WAK WAK: No question, more of a comment. On behalf of the National Advisory Council on Indian Education, congratulations to NARF for your recent 40th commemoration, as well as your critical role throughout Indian country in coming full circle to remind the federal government of their fiduciary responsibility to Indian education, for the sacrifices and for the cession of millions of acres of lands throughout Indian country.

I know that it's been a long haul for Indian education. And for the record, I just want to make note of NARF's critical role through the trends, through the swinging of the pendulum in regard to the political atmosphere for staying the course and continually being a part of that voice, along with NCAI and NIEA in reminding the federal government of that trust responsibility.

MR. GUEST: Thank you. And just as a side note, during our 40th anniversary symposium and celebration out at the Chickasaw Nation last week, Amy's report on Indian education got the most feedback from audience participants with respect to the future role that NARF can play in Indian education.

So there is a lot of interest within NARF and outside of NARF about our continued role in this important area to tribal governments.

MR. COOK: In many of our reservation communities, we have a lot of different education systems. For example, we have public schools on our reservation that are impacted, highly impacted aid schools. Most of the kids are Indian kids with public schools. We have BIE-operated, we have contract grant schools, parochial schools. So we have a different variety. Our tribal education department on the Pine Ridge Indian Reservation is so -- I mean, it's very important, but yet they struggle financially to be self-sufficient and sustaining.

Our tribe, several years ago -- we don't have a tax base or revenue or anything like that, property taxes, to help our education system. So the tribe enacted a right-to-work fee, and 2 percent of your income goes to the right-to-work fee if you're a tribal employee.

So, of the two, 1 percent goes to roads, infrastructure, things like that. The other 1 percent goes to the tribal education department. And so that's how our tribal education department is able to at least have some revenue. But yet, because of so much economic problems on our reservation, which is well documented that Shannon County, and many of our reservations are the poorest in the entire country, when we're talking about recession and unemployment, 10 percent, people are freaking out. Well, we have 90 percent. We've had 90 percent for 100 years. So we're very resilient and we understand what it's like to go without.

But I think it's important for the record to show that our tribal education provides a valuable service to our education communities, but yet they struggle to be self-sufficient. We try to be creative in helping our tribal education departments survive. But because of different things, sometimes they have to take from that right-to-work fee and maybe they use it in the general fund for other programs and things like that, too.

So there's a huge need for the Department of Education, the Bureau of Indian Affairs to somehow work together to ensure that our tribal education departments are sustainable, that they can provide those services on an equal level with the SEA and that they are there.

I appreciate you coming and sharing the information of how important the TEDs are. I believe in them, I believe in the self-sufficiency and the self-government of our tribes. But once again, we need that assistance, because we don't have that tax base of revenue sometimes to have programs like that.

So I just wanted to share that. Maybe people don't know how our TEDs struggle. Thank you.

MR. GUEST: And all I would say in response is I'm primarily a litigator here in D.C. and I watch as Amy puts forward her efforts as an advocate on behalf of tribal education departments in seeking those separate dollars specifically to go to education departments on reservation for their needs. I know that that is a primary objective of securing those appropriations in the next funding cycle.

MR. ACEVEDO: Any other comments or questions for Richard?

MR. GUEST: Thank you very much.

MR. ACEVEDO: Thank you, Richard. Thanks so much.

[Applause.]

I don't believe there are any other public comments for the record. I would like to make sure that all of you get paid for your travel. We close. All right.

I think the next important item for us is -- the chair would certainly entertain an action from the Council as a whole as to whether or not you would be desirous of forming a subcommittee to start to consider how we go about putting together our report to Congress, which will be due in June.

One thing I have a question of, maybe Jenelle can tell us, the timeframe from the time that we submit the draft to the Department before it gets clearance.

MS. LEONARD: I think and my best estimate of time would be four to six weeks before it's due, which means that if it's due June 30th, you are looking at May 30th or at least by May 15th, because if it has to go through department clearance, it generally takes four weeks to do that.

MS. BUTTERFIELD: Just in thinking about the report and how we're going to prioritize what it is we want to work on, I really would like to be a little more aggressive in maybe making a motion speaking to something that I've heard as a consistent theme throughout the last two days. And that would be that we make improving technical assistance to Indian country one of our highest priorities, to help with the effective programs and improving school achievement.

This would include strategies that would impact the TEDs, the tribally-controlled community colleges, the state offices of Indian education and their whole departments of education, the current labs and centers, and that we think about finding ways to add language to the other titles, besides Title VII, that emphasize the need for technical assistance in each of those titles specifically to support Indian education.

I think that it supports the call to action that Dr. Gipp had mentioned and is inclusive of a lot of the testimony and the involvement of our national organizations. But we have got to find some mechanisms to build in some accountability through the infrastructures that we have that make Indian education a higher priority for everybody, not just for us as Indian people and our Indian organizations.

One of the ways that I think that can happen is through strengthening the reauthorization language of Title I, Title II, bilingual ed, safe and drug free schools, all of those programs. There needs to be language in there that references their accountability to ensure that Native schools, communities and tribes pay a special attention to the inclusion of resources and accountability.

So I just want to put that out there as a motion, that that be something that we really focus in on, especially in this timeframe of reauthorization.

MR. ACEVEDO: Second to the motion?

DR. JACKSON-DENNISON: I second.

MR. ACEVEDO: It's been moved and seconded. Discussion?

MS. THOMAS: I have a discussion point. At the very beginning, did you state how your proposal gets done?

MS. BUTTERFIELD: That's the task at hand is to take a look at how we can utilize the existing infrastructures and laws through titles to hold more accountability.

MS. THOMAS: And I know that we need to do this progressively fast and trying to get things in there. So maybe my recommendation is to develop a subcommittee to start this process and bring it back to the Council and that maybe we can use this as a marching order, but that we develop it, put it into a subcommittee task to get it started.

MS. OATMAN-WAK WAK: Just logistics-wise, I'm thinking about the timeline. How are we going to be able to weigh in on the FY '12 budget if it's due sooner?

MS. LEONARD: In February.

MS. OATMAN-WAK WAK: In February.

MS. LEONARD: February.

MS. OATMAN-WAK WAK: As a Council, just thinking, for the sake of time and the imminent nature of that timeline, that the subcommittee that does meet on that area also look to strategize a timeline with reconvening the NACIE Board to affirm the hiring of a new director. I'm just thinking of keeping in parallel tracks with that timeline.

MR. ACEVEDO: Other discussion topics on this motion?

[No response.]

There are two ways to handle this now. You've heard some additional things, at the moment, is to withdraw your motion, if you can end it and withdraw your second, and recast it so that it meets some of the needs of this, or we can go ahead and move on this as proposed and then entertain subsequent motions that may or may not enhance your action, I guess.

MS. BUTTERFIELD: I'm not sure what you mean by withdraw. I think we need to have a conversation, and it needs to be timely, so if it's a subcommittee that needs to meet to start working on it. I've worked with almost all of these entities, and a lot of it can be through support resolutions, thinking through how they could be utilized in technical assistance. But I think that the challenging part is to include changes in language through the reauthorization of the ESEA in the other titles.

MR. ACEVEDO: All right. The other way to incorporate what you just heard, too, is also to amend your motion so those are incorporated, if the second will agree to those amendments.

MS. THOMAS: Deborah.

MR. ACEVEDO: I'm sorry. Deborah, yes. And you would have to restate what you --

MS. THOMAS: I suggest we go ahead and vote on this motion, and then we can make a suggestion on how to do this to carry it out. So I call for the question.

MR. ACEVEDO: The question is called for. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed?

[No response.]

There being none, the motion is carried. Additional actions?

MS. THOMAS: I recommend the use of a subcommittee to start work on this, and then to bring it back with a timeline in conjunction with the director's position.

MR. ACEVEDO: Is that a motion?

MS. THOMAS: Okay.

MR. ACEVEDO: Is there a second?

DR. JACKSON-DENNISON: I second it.

MR. ACEVEDO: It's been moved and seconded. Is there additional discussion? Mary Jane?

MS. OATMAN-WAK WAK: Mine is just more of a clarification piece. During the wording of her motion, when she referred to "this," I think that we might need to clarify that "this" is the budget piece.

MR. ACEVEDO: That's what the reference to "this" was to, is the budget? The word "this" was in reference to the budget and our impact on that and ability to provide insight into that process.

Everybody clear on that? Okay. Good.

The question is called for on the motion on the floor. All those in favor, signify by saying aye.

[Chorus of ayes.]

Those opposed?

[No response.]

There being none, the motion is carried.

Additional items that you would like to take care of at this time?

MS. THOMAS: Who did they assign to the subcommittee.

MR. ACEVEDO: That's right. I got to do one last time, didn't I? I did. The chair will entertain volunteers for the subcommittee. Robin, Mary Jane, Alyce.

All right. The three of you are accepted as subcommittee members. It's Mary Jane, Robin, and Alyce. Thank you.

Other items that the Council feels are important and need to be discussed or taken care of during this meeting?

MR. COOK: I know to ensure collaboration, because the Department of Ed is responsible for providing funds not only to public schools, but they also provide funds to our tribal schools in the form of Title VII, different grants, too, I think it's important maybe for us to state that we need to have BIE and Department of Education working in collaboration along with the NACIE Board for us to be -- to ensure that we make sure that it's getting to those proper channels.

I think we need to have somebody from the Bureau of Indian Ed. And that's one of the things, when we were talking about the elevation to a second assistant secretary. We also said, well, it's important that maybe there's a DOE liaison that works within the Department of Interior that acts as that liaison on or whatever, or there's a liaison from the Department of Interior that works within DOE. That was done before. Dr. Demmert talked about that, how they had a liaison. So when we're talking about this collaboration and moving forward -- because these programs, everything affects our Indian kids, whether they go to public school or tribal school, because there's that mobility. They go back and

forth. And because it's hard to track kids, it's hard to see where they're at, whether they drop out, whether they're in another school or whatever, that's why this transparency, this communication is real important, this collaboration that needs to take place between the Department of Interior and the Department of Education.

So I don't know how to maybe say it, if it needs a motion or a recommendation or whatever, but we need these intergovernmental agencies to be here and to work with us so we can hold them to that task. We can be empowered to say, okay, this is what we see. We're representing Indian country, and we need to let them know that we're pushing for that collaboration and working together.

MR. ACEVEDO: I think it's an excellent question or comment. We could, certainly, at a minimum, invite them here. They're not within our purview, but certainly their involvement is important for us, so the invitation to come and address us would work. Jenelle?

MS. LEONARD: Let me just add a piece of information that I'm sure you're not aware of. So you know I wear several hats in the Department. So I have another program for which I am the director, and that program covers the comp centers, covers technology, rural education. And I should say, rural education, under that program, we make 4,000 grants directly to schools, which includes, by the way, public schools that serve a large number of Native American kids.

The thing that I'm doing in body here is that I'm merging the two in that if, on one hand, I'm making 4,000 grants to rural schools. What I said to program people in both shops, there has to be some overlap. If I'm making 4,000, Indian Ed is making 1,265, certainly, we are serving the same local school districts.

One of the things that I didn't talk about is that in terms of cross-program collaboration, we're going to -- it's on our agenda -- take a look at that to make sure that we are certainly focused on how Native American students are served under the rural program. So that was one piece.

The other thing that I am also responsible for is I am the liaison between BIE and the other programs. So I have responsibility for the funds that come out of Title I, homeless, technology, and rural education, two of my programs, to ensure that those funds are transferred over to BIE.

So Keith Moore and I have had a number of conversations. The thing that we are looking at is how -- for the other formula programs, not the Title VII, but the other formula programs that receive funds from BIE, how we can begin to strengthen that partnership.

I'm going to say this again. Based on the things we heard in the tribal leaders' meeting about those funds not being delivered to those schools, how we can ensure that those funds get to the schools, because they're always a little slow in getting those funds out, and how we can make sure that those programs receive the money timely and look at the implementation. And whatever technical assistance we can provide to DOI, to BIA/BIE, that that's what we are there to do. We will do that.

So I just thought I'd just kind of add to the record so that you'd know. I completely support your recommendation, but I wanted you to have that piece of information so that you can build your recommendation on what is currently in place.

MR. ANDERSON: Robert, I did speak with Mr. Moore a couple months ago regarding his attendance or the BIE's attendance at this particular meeting. I sent him an invitation last week to the office regarding

this meeting. It's my understanding that they would have someone here. However, as a gentleman told us yesterday, he was called away, I think, to Albuquerque. I was hoping that the gentleman who was on the panel yesterday could have been here as a representative, but I did invite them and was hoping they would show, but it didn't happen.

MS. THOMAS: Mr. Chair, what may happen that would be a benefit to all of us is what happened a long time ago on NACIE, is that we have a partner meeting. You remember this? And it was not only interagency --it was interagency and, also, with all the programs that you just listed. And we got to meet these people face to face, and we were able to sit down and question them; now, what do you do and how can we do this and how do we connect. And it was -- a live flowchart is what it came down to, and it was an excellent meeting. That's what Greg Anderson was in, and it worked excellent. We got to meet everybody. We got to see them face to face, and we all figured out this is how we networked together. This is how it worked.

So maybe that would be another option of doing something like this, interagency, and then have everyone from the different departments over here give a short little synopsis of what they do and how they interact to each other, and it would be to our benefit.

MS. OATMAN-WAK WAK: I just wanted to provide a follow-up to that excellent recommendation for that interagency partnership meeting to include the Department of Justice. When we talk about the number of our Native students that are not completing high school, we can directly correlate that to the school-to-prison pipeline and the Department of Justice and their responsibility for educating incarcerated Native youth.

I think that partner also needs to be included, as well as HHS and our Early Head Start programs, so that we have that continuum and that holistic spectrum that we all spoke to during these meetings about not just K-12, but also being mindful of the education spectrum.

MS. THOMAS: Mr. Chair, I'd like to make that a formal motion so that we have that to give as the recommendation over -- to have this consistent with maybe our next face-to-face meeting, to have this as part of it.

MR. ACEVEDO: The chair will so entertain that motion.

MS. THOMAS: Thank you.

MR. ACEVEDO: Second?

[Motion seconded off mic.]

Moved and seconded. Discussion? No further discussion?

[No response.]

Question? All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed?

[No response.]

There being none, the motion is carried. Other items for discussion?

MR. MCCRACKEN: I just have a silly comment. I'm trying to figure this whole thing out, and maybe I come from a different perspective.

In my world, we look at consumers, and when we're not touching our consumers in the right way, we reorganize so that we can. It's all about the experience you give your consumer. That's why I said look at Indian education. Who is their consumer? The consumer is our Native youth, our Native kids.

I guess I was talking to my colleagues who are helping me understand this whole process, and though the Bureau of Indian Education is only 4 percent or I guess -- is that the correct number, 4 percent of the -- something like that -- of the overall number, it's a very important number because of the fact that most of those schools reside right in communities that are part of our constituents.

So maybe there's some clarification, and I feel like I'm rambling a little bit. But is there a possibility, even as we talk about elevating, getting that person to maybe work a little bit better in collaboration or is there a possibility to have the Bureau of Indian Education? I know that there's a long history there and why it is where it is, but to be part of the Department of Education, because then I think that would resolve a lot of the questions that might -- probably because it would be all one cohesive unit.

Maybe that's silly for me to think that way, but --

MR. ACEVEDO: No, Sam, that road has been gone down before.

MR. MCCRACKEN: But that's just me, because where I work, we reorganize so that we can effectively give our consumers the experience they need. And I think as an educational system, you want to give the students the experience that we feel like they need, and that's a holistic experience. And I think it's very fragmented when it comes from two different areas.

So that's my comment to the Board.

MR. ACEVEDO: The point is well taken. Thank you. You two ladies need to take him out and educate him on the background of this before he makes a motion. Thank you very much.

MS. THOMAS: We've got to talk.

[Laughter.]

MR. BAILEY: I just have a comment, no action forthcoming. But I just want to say that I -- someone mentioned earlier their apprehension to see how the event took place. And I really appreciate those that are serving again, Virginia and Gregory, I believe, joining and being able to hear from those around the table. I'm very impressed, though, sitting here as an Ottawa Anishinaabe and then an Ottawa Native man. But also a hat that I wear -- we've heard Sam express kind of his perspective, and I can't shake how I'm sitting here. It's 24/7 to me of who I am.

But I can definitely go back and report with enthusiasm the staff that are working, and that was key to me. I am always telling the Council -- not telling, that's not the right word -- sharing my perspective on things that we have to be alerted to, and there's a phrase I use quite a bit, "the subtle erosion of tribal sovereignty."

I think as we go through the documents, that the forefront for me is that in looking at decisions made, looking at language, that that doesn't occur under our watch now. I don't like to see when tribes are referred to as organizations. That has a huge diminishment when you look at Article 1, Section 8, the tribe's recognition as a sovereign within a sovereign.

For me, I like the action that was done today. It was quite a bit. Let's go, let's dig in. I don't want to lose that momentum. So I'm kind of geared now towards looking at the staff and I want to gear toward those sitting around the table here. I hope that we can continue this energy, this momentum on, and I appreciate those that volunteered, and Sam, hand up all the time to volunteer for the subcommittees. Remarkable.

But with sincerity, in all seriousness, though, I do appreciate the chair and vice-chair stepping forward to lead. I just don't want to lose momentum, Chairman. And so I ask that they look at the presidential appointments for all of us sitting here and the reflection of what that representation is. And all I say here today is thought of just our Indian children, putting a face, seeing and traveling to reservations, and, also, the urban areas, our urban Indian youth and obstacles they face. I carry forth that.

So I just wanted to say I just feel very privileged already in the day, I know. And also, staff, please know, as a tribal leader, they're just overwhelmed with the receptiveness and willingness to work with us. Even though challenges may come forth in perception and understanding and definition, I can definitely see this as a working opportunity to go forward. We have to push forward, I believe, more than ever right now. And that's not my words. That's everyone's words these past two days. Meegwetch. Thank you.

MS. OATMAN-WAK WAK: Thank you so much, Derek. I want to kind of echo those same comments that he had made. I think I would just be a bit remiss if I didn't take the opportunity to thank all of the Office of Indian Education staff for your dedication and your staying with us throughout the course of these meetings, as well as to Michael and the other staff that were able to participate in this process, as well as to Kauffman & Associates, as the contractor, to help us pull this work together.

I want us to walk away with a little bit of a challenge, as well, not just the one that was put forth with not letting too much lag time go between us and keeping that momentum continued, but for all of us, with this role and responsibility as NACIE members, to take every opportunity to interact with our youth throughout Indian country. If there's a Unity conference, try to make yourself available there. Try to get there.

I was very blessed and fortunate to be invited to the National Johnson O'Malley Association's annual convention, and there were some great workshops scheduled, some very highly technical workshops for parents, advisory committees and for school administrators and practitioners. But my heart told me that day to go and spend the day with the youth.

Even though I've got small children of my own, there's a lot to be said about taking that time to interact with the young adults and reminding them that getting outside of this whole "you are the leaders of the future," but letting them and reminding them constantly that they are the leaders of right now. They're not the leaders of the future. They're leaders in their classrooms where they're at, whether that be a Head Start classroom or whether they're serving as a student body vice president of

their high school; that we don't fall into that practice that got us where we are now of grownups gathering to make policy that impacts small people without ever taking the time to listen to their voice about what they feel, the struggles that they go through.

I don't think that's going to happen with this council, because I know many of you interact with youth on a regular basis. I know that the president of the National Johnson O'Malley Association also did that same thing, took the time to interact with the Native youth that were in attendance and challenged them to hold those adults responsible, those adults that were in attendance that might not have taken the opportunity to reach out to them, challenging those young people to go the grownups and learn and share with them, as well.

I know that many of us are in roles at varying levels, whether it be through the corporate level, where he still has the opportunity to interact with young people or with Robert and Teach for America, where he's interacting with teachers, but through that process, can still, at that grassroots level, take the time to meet with the youth in the community, to hear of their concerns, because when we're running back and forth between meetings and on conference calls, where's the time in that circumstance to be able to really listen to our Native youth and hear their concerns?

So that's a challenge that I want all of us to take, is when we come back here again to meet and rejoin, that we have those voices, those hearts, and those minds and those spirits, those perspectives to carry back here with us.

[Speaks in Native language.]

DR. JACKSON-DENNISON: I feel like we're winding down, so I wanted to get this out. I was just sharing with my colleague here, and I mentioned that in Arizona, we have that challenge of the English-only, and it's a battle that I keep fighting, because – and I found out several years back that the executive order, which is listed in this pamphlet that NIEA put out, the Native American Language Act, Public Law 101-477, has no teeth in our state or, nationally, they don't recognize it.

So I'm wondering if -- maybe it's a motion that I want to do to, through the reauthorization, that that is actually listed, that it's something that states -- I'm not quite sure how it would work, but I don't know if it was similar to what you were asking for on looking at the reauthorization of ESEA, when we get to Indian education, that this particular Act is held to by states when they're submitting their plans or whatnot, because I went round and round and round in our state, and that's where it was shared with me that -- I'm not a lawyer, but through our attorney, attorneys that we had working on the issue came back and said that it said that Native American Language Act has no teeth.

So English-only is a state law that passed by two-thirds of the voters in the State of Arizona, so we had to comply with this English-only. So in other words, we had to work to get around that law by doing it but hoping that we're not questioned. If it came down to it, we would use our own money to do it rather than using the state funds.

It may not sound too big of a deal, but it is. It's a really huge deal when a state does not recognize that these laws are federal laws, and it's almost just, "Oh, those are executive orders, they don't mean anything, because we do our own thing."

So I guess it's a motion of some sort. I'm not sure if I'm being articulate enough, but advising our Secretary of Education that states need to take these executive orders seriously and that they are public -- they are laws that need to be abided by that affect Indian education throughout the country.

MR. ACEVEDO: Is that your motion?

DR. JACKSON-DENNISON: That's my motion.

MR. ACEVEDO: Is there a second?

MS. SPOTTED BEAR: I second.

MS. BUTTERFIELD: I wanted to add that, in a way, it does relate to, I guess, what I'm thinking about in terms of technical assistance. There are sort of civil rights issues, social justice issues that are on the books. They're not enforced, and a lot of that is because we don't have good technical assistance to come in and say, "Hey, by the way, this year, your state law is in violation of a federal law."

So I definitely support that. I'm not sure the role that NACIE can play other than encouraging the Department to remind the state departments of ed that we have -- this is a precedent. But I think it is something that we need to think about, how we enforce and hold accountable, at all levels, from the school district level to the state level, those things that we have already enacted in legislation. They're there, they just don't get enacted in the way they should.

DR. JACKSON-DENNISON: Yes. That's where the -- and I use the word "ignorance" with -- that's where the ignorance and the lack of knowledge exists out there, that we really need to do a better job, whether it's called technical assistance -- I don't know if that's enough, because people sometimes don't take the term "technical assistance" seriously. So I'm thinking more of -- we're all educators, to some degree. We have a Nike guy here, but he's still an educator. But to provide educational opportunities for the non-Native people that control at the state level, it's very difficult to do in my state; I can tell you that. We had to go as far as, for our Arizona Impact Aid Association, employing someone at the Hill regularly to educate our state legislatures.

That's why I say ignorance, in a sense, because it's a law that was passed in 1990, but yet here we are 20 years later, more than 20 years -- it seems like almost 20 years later, and we're still grappling with trying to tell our state.

I don't know. I think it's a carryover from what I hear historically from California, and it's supposed to have been a movement, English-only, but it's still out there. It's the attitudes and the philosophy, again. It's the one-size-fits-all, and you're not a true American unless you speak English only and that type of an attitude out there and a belief out there that we're struggling with in Indian country. And I know it's stronger in Arizona than it is in any other state, but that's where we struggle.

MR. ACEVEDO: Any further discussion?

MS. THOMAS: Call the question.

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

[Chorus of ayes.]

Those opposed?

[No response.]

There being none, the motion is carried.

Again, I just want to sort of clarify what Deborah was saying. One of the things that -- and as a lawyer and having litigated on behalf of federal Indian law or against federal Indian law, depending on how the nature of the statutes were, I share with you the frustration when we deal with certain statutes that were passed by Congress where they were trying to do certain things and then not carrying it to that next level.

I think really what you're saying is we're advocating through this motion that that law be amended so that there are some consequences if you don't abide by it, and we certainly dealt with that with the Native American Repatriation Act. We dealt with it with sacred sites. So those are the kinds of things that the law only goes part of the way to get it done, but that next phase of how do you actually get the attention of the violators is through some sort of penalty.

One of the methodologies that could be used in this context, certainly requiring an amendment to the statute, would be withholding of funds. You see the Department of Transportation does that all the time with respect to traffic laws and enforcement of speed limits, and you don't get federal funding if you don't abide by this.

You don't have to pass a law to change it or you would need to change a law to take advantage of what we're doing, and if you don't, we just won't give you the funds. So I think that's what you're talking about in terms of how we would address that. I'm not sure the Department of Education would do that, but we can certainly find a champion within the Congress to carry some sort of legislation through that would maybe get that done.

I also would like to thank the staff and Jenelle, in particular, for all the hard work that you've done on our behalf, and that is highly noted and highly appreciated. And the rest of the Council have made that clear to all of you, and we all share that the same.

MR. MCCracken: Just a quick comment on a couple things, as I sit here and listen. One, to echo a little bit of what Mary Jane said is don't forget who we're here representing, and that's the kids, the youth, our future, our leaders in this generation. But, two, to commend the selection committee, whoever selected this committee, because the blend of people who are here and the diverse minds that are here, I think, is only a positive.

At Nike, we have a belief and what we call the Medici Effect. And if you ever get a chance to read the book, it's by Frans Johansson, it's called The Medici Effect. And what it is diversifying your thinking could help solve problems.

So we don't necessarily -- if we have an issue around designing a shoe, we might bring the tech guy in, because he has a different perspective, because people who do that every day think the same way every day. And bringing in people who don't think that way every day could help change the way the thought process happens.

So I would just like to share that with my colleagues as they tend to nominate me for other subcommittees.

[Laughter.]

I share that with you, because it's been a very powerful piece of my growth within my corporate education, and my elevation within a Fortune 500 company has been the ability to think differently than the people who are currently in those roles today. And that's what this company has commended me on is my way of thinking. And it's from my learnings from that book, and I would highly recommend anybody to read *The Medici Effect*, and it's by a gentleman by the name of Frans Johansson. He's a great thinker, and it might help us as we think about Indian education as we move forward.

MR. ACEVEDO: Do you have any housekeeping? Go ahead.

MS. BUTTERFIELD: Can I say something before the housekeeping? I just wanted to share, I guess, out of a sense of personal pride, but also as a reflection, that we are all here standing on the shoulders of somebody else who went before us.

This weekend, Yale University is celebrating and honoring my grandfather, who was born in a wigwam on the bank of the Missouri River and graduated as the first American Indian from Yale in 1910. So I have my three children flying in so that they can sort of walk in the footsteps of their great-grandfather and recognize that all of us are part of a legacy of real fighters, and that this NACIE board, I hope, will break the mold of the previous NACIE experience, and I think the staff is contributing to that. But I think each person who steps onto the committees that are doing work in the interim is proof positive that we are willing to roll our sleeves up and pitch in and do what it takes to make a difference.

MS. LEONARD: I have six things that I have to tell you about. And I know that I'm fighting against time here, because we said publicly that we were going to end at 5:00. But first of all, let me take care of this first. Let me just say thank you for all of the commendations that you have given us in terms of the staff. I really want to say to you that the staff, each and every day, come to work, and they are so committed to the work that they do, so I commend them, as well.

Like you say, we all work together and it's somebody's shoulders that we're standing on. So for me to do the things that I do, I stand on their shoulders, because they are the foundation to the Indian Ed program, and they've been doing this work for so long.

I am here -- and they know that I always say to them I am here for you, I'm here for you, as well. And I always tell them, I go to the assistant secretary's office, I fall on the sword. That's it. I push and I push hard. So just know I am advocating, really advocating.

I just wanted to say this one thing, certainly for NIEA. Patsy's not here. But certainly we had talked about doing this technical assistance workshop, and I just want us to just share the level of commitment that the Department has.

First of all, it was October 6th, which means you would have to fly out October the 5th. The fiscal year started October 1st. No budget. No budget. Generally, you don't see anybody traveling the first two weeks of October. But Patsy asked that I work to pull this technical assistance workshop together.

So, started early, September. We know there's no budget, but we have been asked to do this. We are going to do this, and pushed and pushed and pushed. Twenty-five people traveled that first week, never, ever done before. But we pushed to make it happen, because we had made a commitment to NIEA to do this. It was an opportunity. It was a response to the tribal leaders, to all of the conversation that we wanted technical assistance. We said we will do this, whatever it takes. I'm thinking they're still trying to figure out how they are reimbursing people, but it was done. It was done.

So I just want to let you know the level of commitment and how hard we work at the staff to really push to make things happen. So enough about that, but thank you.

So the other thing I wanted to say is that there are meetings that -- we said two meetings in the charter, maybe three. But what I need to get is a clear sense from you of how many meetings you want, when the next meetings will be, because as a board, we can't talk, but I need to know going forward so I can begin to lay the groundwork for that so that travel is in place and whatever. But I just need to get really some sense of how many meetings. I know that the meeting that you just spoke of where we invite the people in, because that means working with other areas, that we make sure that they're lined up to do that. But just give some thought to that as I continue to talk.

The subcommittee meetings, too, part of what we need to do is -- we have a contractor in place. I need to know, as the DFO, if you want me to facilitate those conference calls that you're going to have. I need to know -- and if not, because you may have a conference call line, but I do need to be a part of that. I do need to be a part of that. So subcommittee planning, I need to get some idea of what's going to happen with those meetings.

I think we're open to meetings. I just need to know, so that I can go and make sure the budget is in place for you to have the meetings. So if you want to -- I know how hard it is to get all of you in the same room at the same time, because I did the doodle for two months and I gave you two -- I did a two-month spread and this was the only time that I could get -- what did I say -- 12 or 14 members together. So we can do doodle again to see what works for you, but I need some advance notice so that I can make sure everything is in place for you to conduct your business.

The other thing, too, is I promised handouts for you and a couple of things that I have, like the comments from the tribal leaders' meeting, I have that. I have the budget information. Michael also provided the talking points that he shared with you this morning in terms of the chronology of what had taken place for this position. I know it's a lot of paper. I do promise that I will put all of this on a thumb drive and get the contractor to send it to you, but certainly we have made copies available for you here to take with you.

In terms of taking things with you, what we've arranged with the contractor is for you to -- if you would leave everything with your name tent there for what you want to be sent back to you, express mailed back to you, that they will come and gather that, box it up, and then send that information back to you, so that you won't have to be burdened with carrying all of this paper back with you.

The other thing is that during the course of the two-day meeting, a lot of recommendations have come forth. I know the court reporter has them and we'll work with the contractor to -- and I'm not sure there's -- I know we'll give you the transcript, but then we also asked the contractor to go through and kind of clean it up in terms of making it into a readable narrative. So we'll get both of those versions to you.

My concern was that I was hoping that you wouldn't walk away thinking that it's just going to be a one-time document of recommendations to the Secretary. You can have as many documents, as many recommendations going. And I will be the facilitator. Once you give me the recommendations, I will march them all the way through.

So some recommendations are more immediate than others, and I need you-all to figure out which ones need to go next week. And if there's another time period where you have other recommendations, that could follow along in that.

But there were some that I heard that needed to go back sooner than others. So you need to let me know about that.

The other recommendation that I know we need to have complete is the one on the personnel positions. And there was something in your packets that said you would recommend if they were qualified. You know that front-and-back sheet that you had?

So the way that this works is that the contractor is there to serve you, to serve your administrative needs. And so the contractor will, if you want, kind of pull that together for you and run it by the chair for the chair to edit and make sure that it states or articulates what you want. But just know that they're there for you. They're your administrative support. You don't have to do the typing or whatever. But you can work directly with them to assist you with making sure these things are moving forward with the writing, with the formatting.

MS. THOMAS: Are you saying that we have to -- we've got one chair and perhaps our recommendations on that, that's what they're going to take from the record here.

MS. LEONARD: They can take it from the record and formulate an action memo or formulate a memo to the Secretary for you to review. So they will do that kind of work for you, if that's your wish. And they will cut out all of the recommendations that came out of the court report and put them all on a one-pager so that you can see the recommendations that you made throughout the day. So they will do that.

But I know the one thing that we have to do is we have the recommendation on the director's position that we need to get to the Secretary. So we can do that in a one or two-week span, but certainly I need your recommendations. And trust me, nothing will be changed. Whatever you give to me is what I will move forward.

That's it.

DR. JACKSON-DENNISON: Do I dare?

MR. MCCracken: I'll do it.

DR. JACKSON-DENNISON: No. We're going to give it back to you.

What we talked about briefly before lunch today was that we would like two questions, at least two questions from each Council member, from each one of us, to be e-mailed to me by November 9th, which is this Tuesday, November 9th. And then we'd like the Department's help on this, in setting up a

conference call with the committee preferably -- we're looking at Thanksgiving. We know that week is going to be blocked out, so to have a conference call probably the week prior, the week of the 15th.

We could go over the questions -- the four committee members would go over the questions sometime that week and then to do the interviews either the last two days in November or the first or second of the four applicants.

MS. LEONARD: Can I do a doodle so that we can find out which times would work best? And then we'll move forward on that and setting it up.

DR. JACKSON-DENNISON: Yes. We want to split them up into two days, too, because of our job responsibilities. We set aside a couple hours a day, to block that out to do two interviews a day. And we don't know if it's possible to set up like a Skype type. Robin said she did an interview at Kinko's, a live interactive interview.

MS. LEONARD: We will ask the contractor to do that. Let me just share this one thing. We wanted to Skype Alan Ray into this room so there would be a visual. It would cost close to \$2,000 a day to Skype in. So we canceled that and did the telephone. We can't Skype in the Department because of firewall and security reasons, but it doesn't mean that I can't stay at home and Skype while you all Skype. So we could make some arrangements. I'll just ask the contractor to work with what can we do to do the Skype.

DR. JACKSON-DENNISON: So let me go over the timeline again, because we have orders. Our marching orders are to have this done by 30 days. So November 9th is the due date for your questions, and my e-mail is in the back of the booklet. In case you don't have that, it's debjden, d-e-b-j-d-e-n, @yahoo.com.

So we'll look at those questions and the committee will review the questions the week of the 15th, whenever the best available date is. We'll have an hour or two conference call, and then we'll be ready for the interviews anytime before the -- preferably the last week of November and the first week -- the 29th of November, that week, we'd like to do the interviews. We can set the date now for the four of us.

[Discussion off mic.]

Just give me a date and I'll block it out. It will probably be about an hour to two hours. The first conference call, we're going to go over the questions. Actually, what we could do is e-mail you the questions. So I'll e-mail the three of you the questions. I can put them all together in an e-mail, get them out to you, and then we can just review them. It shouldn't take too long, maybe an hour.

[Discussions off mic.]

So the four of us are going to have a conference call on the 19th.

MS. LEONARD: What time? So November the 19th, the subcommittee will meet. To figure out the time, I will doodle. It's going to be the afternoon. So you all let me know on the doodle when you're available, and then we'll set it. I also have to look at my calendar.

DR. JACKSON-DENNISON: She has to be in the meeting, too.

MS. LEONARD: Yes, because you're all on three different time zones.

[Discussions off mic.]

I will work with the contractor to set up the call.

DR. JACKSON-DENNISON: Then the other piece is that you would need to set up the interviews the week of the 29th.

MS. LEONARD: Okay. Thank you.

DR. JACKSON-DENNISON: Thank you.

MS. SPOTTED BEAR: I have a question. How long will it take to receive these?

MS. LEONARD: Probably they won't get it out tonight. They'll ship them tomorrow. So it'll be there next day. Well, it won't be on Saturday. It won't be on Saturday. Monday, yes.

MR. ACEVEDO: The chair will entertain a motion to adjourn.

[Motion moved off mic.]

MR. MCCRACKEN: Second.

MR. ACEVEDO: It's been moved and seconded that we adjourn. All those in favor, signify by saying aye.

[Chorus of ayes.]

Those opposed?

[No response.]

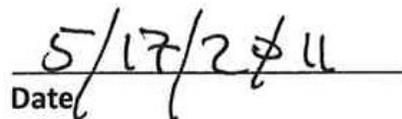
There being none, the motion carried. Thank you very much.

(Whereupon, at 5:02 p.m., the meeting was adjourned.)

## CERTIFICATION OF ACCURACY

I certify the accuracy of these minutes.

  
Thomas Acevedo, Chair

  
Date

## **CERTIFICATE OF REPORTER**

I, JANET EVANS-WATKINS, Electronic Reporter, do hereby certify that the foregoing pages were recorded by me electronically and thereafter reduced under my direction to typewritten form; that the foregoing pages are a true record of the proceedings in the above matters; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this testimony is taken; and further, that I am not a relative of or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

---

JANET EVANS-WATKINS

Electronic Reporter