



Office of Elementary and Secondary Education (OESE)

Office of Indian Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (NACIE)

PUBLIC MEETING

The meeting convened in the Discovery Room of the Holiday Inn Washington Capitol, 550 C Street, SW, Washington, DC, 20024 on May 3, 2012 at 8:15 a.m., Thomas Acevedo, Chair, presiding.

PRESENT

THOMAS ACEVEDO, Chair

GREG ANDERSON, Member

THERESA AREVGAQ JOHN, Member

ROBIN BUTTERFIELD, Member

DEBORAH JACKSON DENNISON, Member

SAM MCCRACKEN, Member

MARYJANE OATMAN WAK WAK, Member

STACY PHELPS, Member

VIRGINIA THOMAS, Member

PATRICIA WHITEFOOT, Member

FEDERAL PARTICIPANTS

JILL EICHNER, Office of General Counsel

JENELLE LEONARD, Designated Federal Officer

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

JOYCE SILVERTHORNE, Director, Office of Indian Education

FRAN WALTER, Office of Elementary and Secondary Education

ALSO PRESENT

JASON CRAWFORD, Deputy Project Manager, Kauffman & Associates, Inc.

COLIN KIPPEN, Executive Director, National Indian Education Association

DAWN MACKETY, Director of Research, Data and Policy, National Indian Education Association

LES MONRO, Facilities Director, Browning Public Schools, Montana

SUSAN SMIT, Superintendent, Wagner Schools, South Dakota

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

8:15 a.m.

CHAIR ACEVEDO: Good morning, everyone. I am going to call this meeting to order of the National Advisory Council on Indian Education for May 3rd, 2012.

I will call the roll to determine if we have a quorum.

(Roll call.)

We have a quorum.

I would like to proceed with our first round of business, which is a discussion follow-on from yesterday on a report oh, excuse me. Before I do that, are there any other subcommittee reports?

Is there anyone on the telephone?

(No response.)

Any other subcommittee reports that we have not covered?

(No response.)

No? All right. With the Council's agreement, let's proceed on the discussion on the report to the Secretary. Discussion? Robin?

MEMBER BUTTERFIELD: Yes, I am just recalling that last year it is more of a process question. Are we going to go sort of item-by-item like we did last year to approve each one, each separate item, even if it may not be wordsmithed exactly at this point because this is a draft? It is sort of a process question.

CHAIR ACEVEDO: I think it is open to the Council if we would want to proceed as we did last year, so that you each have an opportunity to discuss.

MEMBER JACKSON-DENNISON: Thank you. This is Deborah Dennison.

I think that that really does get us right to the content of the issues, whether we want that or not. I think the discussion we had yesterday was good. We can go back and reconsider that

later, but I think it is really important to get to the information that we are talking about and prioritize, go through it, see where we are.

Because what we did generally was to bring the goals that the Committee worked on in Portland into the report, and then we also heard quite a bit yesterday, and at Portland as well, that we can also make certain is in the report as far as recommendations, the Annual Report as well as the recommendations at the same time. That is my recommendation.

MEMBER THOMAS: I just want some clarification, maybe from Jenelle or Joyce, of the timeline that we need to meet. Does this have to be approved here today? How much time do we have?

CHAIR ACEVEDO: Microphone, please.

MS. LEONARD: The report is due June 30th. What I would suggest is that you all put a timeline together of how often the Subcommittee needs to meet and when do you want to have a draft to share with the full Council. We could send that out, and you could send your comments to me. I could send them back to the Subcommittee to make edits.

CHAIR ACEVEDO: Robin?

MEMBER BUTTERFIELD: Yes, because, as I was reading through the draft, it was really clear to me that we could go through and say Department letter or Congress, Department letter or both, because it clearly separated out to me in terms of content how we might manage that. So, I thought if we go item-by-item, we could first distinguish that and, then, add any comments in terms of the content of what that statement is.

CHAIR ACEVEDO: Virginia? Sorry.

MEMBER THOMAS: Also, we had a discussion yesterday about the format, as to how we were going to change the format of it. But are we going to have computer access, so we can edit?

MS. LEONARD: You can edit full screen.

MEMBER THOMAS: We can edit on full screen. We will just have to get a typist here. I am not the typist.

(Laughter.)

Let's see. Jason, could you serve as the typist? So, we have a typist. Because I think that will move us along, so we can cut and paste easier.

MEMBER BUTTERFIELD: I just wanted to share that I am handing out our Native Education 101. It is dated, because it doesn't even include the current Executive Order. But what I thought might be useful is kind of the middle section, pages 14 and 15. Maybe it starts even earlier, where we just sort of summarized the main pieces of legislation. So that, as we are finalizing the report to Congress, we make sure that we have touched on all the important ones that we want to.

For example, every year there is always a battle during appropriations. People over the years have tried to eliminate Johnson-O'Malley because it appears to duplicate Title VII. So, we might want to just make a recommendation that we always want fully funded both Johnson-O'Malley and Title VII, and that these programs are not duplicative, something like that. So, I just thought it might help as a trigger.

CHAIR ACEVEDO: One other note. Before Alan left yesterday, he had volunteered to do the wordsmithing and formatting once we are done with our formal recommendations, if that is acceptable to all of you. He said, "I know it is a burden, but I am prepared to do that," he said, "if you would like me to format."

He did as well last year. So, he is very familiar with it. And I think he had some good suggestions yesterday.

After the full Council here decides what they want in the report, he can format it, if it is acceptable to all of you.

MEMBER JACKSON-DENNISON: It is fine with me.

CHAIR ACEVEDO: Okay. What I would like to do, then, if the Council is agreeable, just taking Robin's suggestion and go through it and agree. I think that her recommendation is the first cut through, is this the item that goes to the Secretary or is it an item that goes to Congress, or is it one of those items that goes to both? Then, once we can agree to those general parameters, then go back and specifically say, should that be in there or not at all; take it in; leave it out. After you have agreed which way it should go, do you still want it in, either one or both sort of thing?

So, with that, Deb, go ahead.

MEMBER JACKSON-DENNISON: Okay. So, I guess I would take us to the section under Priorities and Recommendations. We can start there.

Okay. Virginia?

MEMBER THOMAS: Before we go too far, were we able to get the numbers yesterday that we discussed under the first section? Just so, by the time we get there, do we have those numbers about the number of students or number of tribe members? Remember that section we were going to put in, the statistics that we wanted right in this area?

MEMBER JACKSON-DENNISON: I don't know. Did we get those numbers?

MEMBER THOMAS: That is why I was asking now, because we didn't have them. Just so we have them when we get to it.

MEMBER JACKSON-DENNISON: Yes, we will get to it. She is talking.

MEMBER THOMAS: Yes, okay.

MEMBER JACKSON-DENNISON: Let's plug those in then. Let's start there.

Go back up to the section that talks about the numbers. Where was that?

MEMBER THOMAS: It is under Legislation Authority and Budget, the very first paragraph.

MEMBER JACKSON-DENNISON: Okay. Where it says, "Add language."?

MEMBER THOMAS: Where it says, "Add language." That is where we were going to add the statistics.

MEMBER JACKSON-DENNISON: Okay. Can somebody read them out?

MEMBER WHITEFOOT: Patricia Whitefoot.

The numbers are 477,458 students, Indian students, participating in the Indian Education Formula Grant Applicants.

MEMBER THOMAS: Debbie, do you have an extra copy of the draft?

MEMBER JACKSON-DENNISON: No, I don't. We don't have an extra one.

MEMBER THOMAS: Jenelle, do you have an extra copy of the draft?

CHAIR ACEVEDO: Go ahead. Debbie is chairing.

MEMBER JACKSON-DENNISON: Go ahead. We have a question here.

MEMBER BUTTERFIELD: I just kind of want a little bit of an understanding of what we are doing in terms of the specifics. For example, on page 6 of the little red booklet that I gave you, we have a statement that says about 93 percent of Indian students/Alaska Natives attend regular public schools; the remaining 7 percent attend BIA schools under the Bureau.

I mean, do we want just Title VII data? Or this is supposed to cover kind of the breadth and depth of Indian education. So, maybe we just want a paragraph that is more inclusive and generic that gives just the broad brush strokes like this paragraph does. Or there is some other data above. I don't know if you want more information about all of Indian country in terms of that.

So, the purpose of this is just to give some basic background information for the reader for which letter? The Department of Ed or both?

MEMBER JACKSON-DENNISON: Yes, because this limits us, if we are just talking about and I think that is where I know I struggle personally because I am sitting here the last couple of years thinking, are we just over Title VII? Are we over Indian education? Are we over just the BIE? It is made clear to me, as of yesterday, that we should be looking at the broad spectrum of Indian country across. So, I agree that that last statement on page 6 of the demographics, this is really where we struggle with everything.

Coming to D.C. as much as I have been coming lately, that is where they struggle. I am talking people that don't know Indian country. They don't know. When we talk about Indian education, they are thinking the BIE. That is what they are thinking.

Virginia?

MEMBER THOMAS: As far as this section here, we quote chapter and verse the regulation and the Act that we have here specifically. That is like Title VII. So, we could leave that paragraph there and, then, add an additional paragraph for the additional information. Because, right

now, that is inclusive all in one. We will blur it if we try to combine it. But, see, those numbers match that regulation that is up there, the Act and everything.

And then, like Robin said, in another paragraph below it, then we can cite all the other programs that are inclusive of Indian children.

MEMBER JACKSON-DENNISON: Maybe this statement can come somewhere above or wherever we are going to put it. Because it almost needs to be the bigger picture and, then, going to the Title VII.

MEMBER THOMAS: But that statement gives us the authority.

MEMBER JACKSON-DENNISON: Okay.

MEMBER WHITEFOOT: Are we saying take the statement from the red book and put it on top?

MEMBER JACKSON-DENNISON: That is what I am thinking.

MEMBER WHITEFOOT: And then, add in the number, the total.

MEMBER BUTTERFIELD: Well, this is Robin.

Just a recommendation. I agree with Virginia that if this, indeed, has been lifted out of the statutory regulations piece, I would even put in parentheses the statement that has the numbers of students because that is not in the reg. specifically. And you could add there are this number of students and 1200 grantees within the Title VII program. You could just put that in that area.

And then, when you move down after that to say that, further, NACIE's role has been expanded because of the President's Executive Order on Indian education. Then, you could put maybe this more global statement that talks about 93 percent are in public schools and

MEMBER THOMAS: Before the number of members?

MEMBER BUTTERFIELD: Yes, I am saying after this whole section that goes through the regular NACIE statutory requirements. But I would just put the data on the number of students in parentheses because that is not part of the statute, either.

MEMBER THOMAS: Yes. That was just information that was pertaining to oversight of that.

MEMBER BUTTERFIELD: I understand that, but I am just saying that, if we wanted to state strictly that this is the original NACIE purpose, but we have also got this purpose added to it, and it is more global.

MEMBER THOMAS: I would agree to that.

MEMBER JACKSON-DENNISON: So, would it go right after the next paragraph where NACIE whose members are appointed

MEMBER THOMAS: Like Robin said, it should follow

MEMBER JACKSON-DENNISON: Right there?

MEMBER THOMAS: It should follow the regulatory.

MEMBER BUTTERFIELD: Yes, I would do the whole piece down to, to make recommendations that whole section is all that was in there last year. And then, when you move to stating that NACIE is now given the charge of overseeing the President's Executive Order, then you could put the paragraph about this.

You need to go down further. At the very bottom of, "Furthermore, President Obama signed 13592...."

MEMBER THOMAS: Because, yes, in that "furthermore," it does give in there about the MOU with the Department and the Bureau. So, then, after that would come the number of new information.

MEMBER JACKSON-DENNISON: Let them know where to plug it in.

MEMBER THOMAS: Uh hum.

MEMBER BUTTERFIELD: I would actually put the information, say, "Furthermore, President Obama signed the Executive Order," at the end of that sentence I would do a break and add this piece of data.

And then, I had a debate about whether you really wanted to put each of the tasks under the Executive Order. We don't have all of our tasks under the regular NACIE. I mean, it seems like you are getting a little too detailed in some of that. Because the MOU is just one task that they are going to do. They are also going to appoint an interagency council.

So, I don't know how much of that, I think we can debate about how much of that detail we want to put in there. But, in terms of the big picture and sort of sticking with what Alan said yesterday, keeping it briefer, I think I would take some of that stuff out and put it in as an appendix. You could put the whole Executive Order as an appendix.

MEMBER JACKSON-DENNISON: So, you would want to put, "See demographics" no, you would put the demographics on page 6 there, but at the bottom some of that stuff that is in there right now, we would say, "See Appendix" whatever.

MEMBER BUTTERFIELD: Yes.

MEMBER JACKSON-DENNISON: MOU on Executive Order

MEMBER BUTTERFIELD: Yes. That would become an appendix right there. In parens, you would put "Appendix A," or whatever.

CHAIR ACEVEDO: Eric is still recording.

MEMBER WHITEFOOT: Patricia Whitefoot, Enrollment Number

(Laughter.)

After I again reviewed the Executive Order, there is a statement that addresses opportunities for students to learn their Native language as cultures and histories and receive a complete and competitive education that prepares them for college and career. For me, personally, I think that we really need to emphasize language, culture, and history at the very beginning because that doesn't come through. I think it is through this President that we have been able to finally get to that point of our language, which is so essential.

So, I want to make a recommendation that we include that in our statement, just that one statement at the very beginning, because then it would follow the Blueprint, the President's Blueprint for Education as well, and it includes a statement about tribal education agencies.

MEMBER BUTTERFIELD: Patsy, just I think he is putting it in the wrong place. There are two Executive Orders that are referenced there. Isn't one about the consultation?

MEMBER WHITEFOOT: That is the right one.

MEMBER BUTTERFIELD: Oh, is that the right place?

MEMBER WHITEFOOT: This is correct. This is from 13592.

MEMBER THOMAS: Patsy wants to type so bad.

(Laughter.)

MEMBER JACKSON-DENNISON: I was just thinking that.

(Laughter.)

MEMBER WHITEFOOT: I believe that I would just recommend that we go ahead and go to the listing and start prioritizing. I was hoping someone would come up with some kind of a strategic outline and prioritize it. That was our thought that we had when we were putting this together.

MEMBER THOMAS: I think Sam volunteered.

MEMBER WHITEFOOT: Oh, okay, Sam volunteered?

(Laughter.)

MEMBER JACKSON-DENNISON: Okay. Let's go to the Priorities and Recommendations. The first one, let's discuss it. It says, "Raise the profile of Indian education as a priority for the federal government." This was taken from last year's recommendation.

"Assistant Secretary of Indian Education. That the position of Assistant Secretary of Indian Education be created and reestablished within the Department of Education."

And we have the rationale behind it.

MEMBER BUTTERFIELD: You know, I really think that, if we keep this in there, we need to acknowledge that the President's Executive Order essentially does this. I mean, that is one of the major things that was accomplished last year through the Executive Order.

I think Bill Mendoza's position within the Department has elevated the stature of Indian education to some degree. The way this is stated, though, goes back to the original authorization of Indian education where the office, by statute, was an Assistant Secretary position.

So, I still think raising maybe say "continuing to elevate the importance of Indian education" or "the profile of Indian" I think it is really the importance of improving Indian education as a priority because we are not there yet.

But I just think we need to think about how this one is wordsmithed. I think this one goes in both places. It certainly could go in our legislative piece, but it also is just the work that is beginning, in my opinion, at the Department.

MEMBER JACKSON-DENNISON: Virginia?

MEMBER THOMAS: I kind of agree. I think the plea, the biggest plea of this should be in the letter to the Secretary. The report is just a report that we report this, but the biggest plea for this, you know, and the language that we want put in there that, yes, where Bill's position is, but we want to keep it on the rise. I think it should be in the letter.

MEMBER JACKSON-DENNISON: So, we should mark for whoever is going to do the wordsmithing what goes where.

Let's go back. Is this the priority? Is this the very first thing we want to keep first?

MEMBER WHITEFOOT: For me, it is, and I agree that it needs to be in both.

MEMBER JACKSON-DENNISON: So, it should say, "Continue to raise the profile of Indian education"? Okay.

MEMBER BUTTERFIELD: Yes, and, then, in the rationale, we can say, while there is a President's Executive Order on Indian education that was recently released in December of 2011, this is just a beginning place for a number of other things that need to occur to really make a difference, something like that.

MEMBER JACKSON-DENNISON: Say it again?

MEMBER BUTTERFIELD: Yes, this is just kind of a note because I think it can be wordsmithed better than I did. I would just say, while there is still recently a President's Executive Order

on Indian education which has recognized the importance of improving outcomes for Native students, the work is just beginning, or something like that.

MEMBER THOMAS: Instead of saying it is just beginning, that the first essential step has happened.

MEMBER BUTTERFIELD: Yes, something, yes.

MEMBER THOMAS: Something like that. So that it looks like there is a step already in the area that we are looking for.

MEMBER JACKSON-DENNISON: Okay. Then, the rest of it.

Go ahead.

MEMBER BUTTERFIELD: Because I think, just the general concept of the rationale should be something that recognizes that there is a Title VII Indian education office, but what we are seeking is a comprehensive understanding of the entire Department about all the funds and services that can be provided on behalf of Native students. So, it is really trying to engage the whole Department in supporting what is happening.

MEMBER JACKSON-DENNISON: I thought, Joyce, you

MS. SILVERTHORNE: I had to ask the DFO if I could say anything.

(Laughter.)

Actually, it is more than just within the Department. It is that interagency work that this will require as well.

MEMBER JACKSON-DENNISON: We want to make that mention in this area, something about the interagency? It says federal agencies at a higher level.

MEMBER THOMAS: I think there is a whole other section that we were talking about the interagency, but I don't remember.

MEMBER BUTTERFIELD: But I think I don't want to get bogged down in wordsmithing here. Just sort of some key concepts. Because I agree, it goes beyond the Department. I mean, if I took

this out of the room and came back, I would have a paragraph, but I don't want to do that work right now. I think we need to kind of move.

MEMBER JACKSON-DENNISON: Okay. Let's move on.

MEMBER THOMAS: But that would be an area that we can combine. Remember, we were going to try to condense this down? And if we have already stated it somewhere, we can always reference that is where we want to move it to. I know it is in here somewhere.

MEMBER JACKSON-DENNISON: For the sake of moving on, I guess we can just put a note there that we may be able to combine this. Okay.

We also need to note that we want that in both the recommendation as well as the letter to the Secretary, right?

MEMBER BUTTERFIELD: Yes.

MEMBER JACKSON-DENNISON: Okay. So, I guess note it as a "both" item.

The next one is, "Improve coordination of governmental programs and entities to deliver adequate funds and services to support educational initiatives in Indian country."

MEMBER BUTTERFIELD: Well, since Congress doesn't coordinate, either you have to change the wording there or understand that it is mostly a Department it is mostly the Department in cooperation with the Department of Interior or other agencies.

MEMBER JACKSON-DENNISON: Right. That is like working with the Department of Interior. Okay.

I remember Greg putting this one in last year. So, do you want to change it?

(Laughter.)

MEMBER BUTTERFIELD: Well, No. 2 essentially is within the Executive Order, and that is the collaboration between Department of Interior and the Department of Education.

I just think this language needs to be updated based on the Executive Order. If somebody could just

MEMBER ANDERSON: This one here, we have negotiated rulemaking.

MEMBER THOMAS: Your microphone.

MEMBER ANDERSON: The negotiated rulemaking on this particular issue is complete, the recommendations that went to the Secretary. At this point in time, it is what it is. I am not sure how we could influence that.

MEMBER JACKSON-DENNISON: Does it need to be in the recommendation to Congress or the report to Congress? Or does it become a different recommendation? Or take it out altogether?

MEMBER ANDERSON: My thinking would be, since it is complete and the report has gone forward, I am not sure if we need it anymore.

MEMBER JACKSON-DENNISON: So, here is where we can strike?

MEMBER BUTTERFIELD: Well, but if you look at the bottom part of the recommendation, it really talks about dealing with school construction. So, are we saying we don't still need school construction?

MEMBER ANDERSON: No, we are not saying that, but what I am saying is the report has gone forward to the Secretary, and what he determines to be done with the recommendations, I am not sure what they are going to do with it.

MEMBER THOMAS: Are you saying this is like has been acted upon?

MEMBER ANDERSON: We have done consultation. We have done the rulemaking. The recommendations have gone forward. Where it is at this point, I am not sure. The Committee's charter is complete. It is over and the work has been done.

No, I am not saying that we do not need school construction.

MEMBER THOMAS: Well, then, maybe what we should say, I think we should keep part of it in there, but I think we should change the language in there and say that, again, the continuation or there have been steps towards achieving this. Is that correct?

MEMBER ANDERSON: Well, what we could say is that this Council would like to have a report from the Secretary as to how he will act on the recommendations.

MEMBER THOMAS: That would be in the letter, though, wouldn't that?

MEMBER ANDERSON: No, no, no. The Secretary of Interior.

MEMBER THOMAS: Oh.

MEMBER ANDERSON: At this time, we have the two Secretaries of Interior and Education together on an MOU between BIA and DOE. This could be a topic. But the recommendations went to the Secretary of Interior. He could share those with the Secretary of Education, and you could put that in there as that needs to be a part of their dialog when they are talking about the MOU.

I didn't see it in there? Did you all?

MEMBER JACKSON-DENNISON: So, why don't we say, "Improve coordination between," and specify who the coordination, "communication and coordination between"?

MEMBER BUTTERFIELD: Deborah, I think the Memorandum of Understanding that is being developed and is being vetted in Indian country right now is essentially going to deal with this. So, I think we rework this one to focus-in on that direct collaboration between the Department of Interior and Department of Education, and just say, while these are underway, we would like to make sure that this coordination continues.

MEMBER JACKSON-DENNISON: So, we don't change the rationale or anything? We just leave that the same and add something to that effect?

MEMBER BUTTERFIELD: Right.

MEMBER JACKSON-DENNISON: And would this be to the Annual Report or both? The Annual Report or just a letter to the Secretary, or is it to both?

MEMBER THOMAS: Well, I think it should be both because one is that we are speaking about what has happened this past year. As Greg said, they have started in the right direction. And then, in the letter, that we want them to continue the dialog.

MEMBER JACKSON-DENNISON: So, it is a "both" item? Just for our typist over there, our clerk

(Laughter.)

MEMBER THOMAS: That is my suggestion, that it would be both.

MEMBER JACKSON-DENNISON: Okay. So, let's move on to No. 3. So far, we have kept two. Does that belong in that first let's go back up to Item 2. Does that belong as a top priority or does it belong a little lower on the list?

MEMBER THOMAS: Let's finish this out, and then we can go back and prioritize.

MEMBER JACKSON-DENNISON: Okay.

MEMBER THOMAS: Because we are going to combine.

MEMBER JACKSON-DENNISON: Okay. No. 3, "Federal Funding and Supplanting. The Title I language be amended to clarify that other funding sources such as Title VII cannot be used to supplant Title I, and that technical assistance be provided to state education chiefs to clarify the difference between Title I and Title VII, and the appropriate uses for each."

Go ahead, Robin.

MEMBER BUTTERFIELD: I originally put this down as primarily a Department responsibility because I think we are asking that more information be sent out. And I thought it was more than just chiefs at the state level. You know, it is have their staff send out information to districts as well. So, where the rubber hits the road is at the district level. It is often where those funds get kind of mixed up, and they try to use just Title VII funds, for example, to do services that Title I can accomplish.

So, I think it is primarily this would go in the Department letter, to give stronger guidance to states and LEAs on how to use the federal funds.

And then, I added a sentence under the rationale where it said NACIE's goal in this recommendation is to ensure that Title VII funds go specifically toward the Indian students for which they are intended, and that services target the unique culturally-related academic needs of Indian students.

MEMBER JACKSON-DENNISON: You're going to have to read it again. He is still up at the top.

MEMBER BUTTERFIELD: Okay.

MR. CRAWFORD: I'm sorry, could you repeat that?

MEMBER BUTTERFIELD: Okay. So, add to that, just the last sentence, where it ends under the rationale. It says, "for which they are intended," "and that services target the unique culturally-related academic needs of American Indian/Alaskan Native students".

That was sort of trying to get away from the idea that Title VII funds be used mostly for tutoring, when there are other things that I think support the needs of our Indian students than just tutoring.

MEMBER JACKSON-DENNISON: And I want to add that, if I remember right, when Secretary Duncan did his roundtable or his townhalls back a couple of years ago, this was one of the things that surfaced, that they need to do more technical assistance with superintendents at the local school district levels, if I recall. Right, Jenelle?

MEMBER WHITEFOOT: And I would just take the "culturally-related academic needs" and italicize that because that comes directly out of the law.

MEMBER BUTTERFIELD: Yes, you need to add "culturally-related academic needs". Yes, start with "culturally" and italicize that.

MEMBER JACKSON-DENNISON: Okay. Anything else, No. 3? It already says the Department letter, but we will decide priority-wise on that, too.

No. 4, recommendation, "comprehensive state and district plans". I know I added this one last year. I think we really need to specify the fact that this really drives so much. If a state ignores contrary to what we were told yesterday, I think that we should still make the recommendation, mainly to the Secretary, but it should go on as an issue on the Annual Report. This is where we are having a lot of our challenges.

And if this would be beefed-up a little bit, if language were put into the plans I have been griping about this since I was a federal projects director 12-13 years ago, that when we submit our

plans to the state, that we are looked at just like any other school district in the state, and they don't really care that we have unique issues as far as culture and language and all of that.

MEMBER BUTTERFIELD: I thought, in order to be clearer, I thought this was primarily a Department responsibility unless you make a separate paragraph or adapt it when we are doing the letter to Congress which says that in the reauthorization of ESEA we would like stronger language that clarifies the oversight that the state or the support that the state can provide around dealing with Native students.

So, I think really what we were asking is that the Department and they basically can't talk specifically about district plans. It is really how the state gives out information that influences those district plans. So, it is really the state plan that the Department has more oversight for

MEMBER JACKSON-DENNISON: Right.

MEMBER BUTTERFIELD: under the current plan.

MEMBER JACKSON-DENNISON: I agree. And this really is where, when we look at and I am speaking as a superintendent now from my experience this is where states can really I mean, the federal level, the U.S. Department of Ed, Secretary Duncan and others at the top here can really make a difference in Indian education. Because if states and I use Arizona as an example. Like Virginia pointed out, I am still not satisfied because in some ways I have always been taught that federal law supersedes state law.

I do know that in the case that we dealt with in about 2004-2003 with our Navajo immersion school that we have in my school district that teaches all Navajo, we got into a struggle with the State Superintendent in saying, "No, you can't do that. You can't do that. We're going to pull your funds if you do that, if you are going to teach the methodology being strictly Navajo in kindergarten, a true immersion program." We are teaching the same concepts, the same standards as all the other schools, but we are just doing it in the language of Navajo, and that was a definition. And they kept saying, "No, you can't do that. You can't do that. We have an English-only law. You are a public school district."

So, that is where we pulled out the Native American Language Act, but we went battling back and forth, and it never really was resolved. It just went on to, "Well, you know, we'll pull your

funds." They never did, but at the same time there is always that if we could just clarify that, I guess that is the thing I am talking about.

MEMBER BUTTERFIELD: Just to support that, when I was working at the Oregon Department of Education, I was involved in several of the team meetings when we were developing our State plan. This is going back a ways.

But what we really tried to do was to follow whatever guidance was given to us by the Department of Education on what these comprehensive state plans should include. So, there is a lot of influence that the Department of Ed can exercise over what the states prepare. It doesn't always conform, change the actions of every school district, but at least it informs the state in terms of how these plans can be viewed.

That is why when we were talking with Michael yesterday about the work that is going on with these current waivers, the Department can influence how states think about how they write up those plans. And then, it can influence how they think about how they interact with constituent groups around that, how inclusive they are.

So, even if there is just some paragraph in the directives that go out from the Department of Ed that is sort of a cautionary note, you know, "Please remember that there are federal laws out there, and that there is a unique relationship between tribes, and that those things should be honored and supported in the actions of the planning that you do at the state level." I don't know why we can't say something like that.

MR. MENDOZA: Mr. Chairman, if I may?

MEMBER JACKSON-DENNISON: Sure.

MR. MENDOZA: In regards to this issue, you know, the conversations that we have been in this morning and last evening, we are going to be looking into a clarification for Assistant Secretary Yudin's response to that question. Because, as you have pointed out, in most instances federal law does supersede state laws. And so, in the very least, this is something that we are going to be looking into. I would imagine that whatever we come back with, either today or at a later date, is going to reflect that. That is something that we can look into.

I think your recommendations would be helpful in terms of what direction the Council would want to take in that regard.

MEMBER JACKSON-DENNISON: Okay. Thank you for that.

Just to give you a little bit of background, because of this struggle, because it became really huge, our Navajo immersion students always outscore our traditional mainstream students with the Arizona Instrument to Measure Standards. Ninety-nine percent of the time, the valedictorian and the salutatorian will have come up through the Navajo immersion school that we have in the district. And so, I mean, that is research in itself that shows that, by learning your culture, language, and identity at the foundational level, it influences in English.

In an English test, the Arizona Instrument to Measure Standards, they outscored the students that went through the traditional schools that we have. And so, even with that type of information, the barriers were still strong at the State level from everyone around that said we can't do that, because there is that fear of the immigration issue in the State, that if we do it for the Native Americans, we will have to allow bilingual education.

So, it is really important that we get some clarification on this. And a little bit of information is that we have tried the legal part of it. Why they were saying the Native American Language Act wasn't enough is because it didn't have any teeth. So, like, well, let us be the teeth; that was my point, but I am not a lawyer. I was, just philosophically and practition-wise, knowing what works and what doesn't work with our students, and so we were pushing from that end.

But nothing has really been done about it. They just kind of look the other way.

Go ahead. Joyce?

MS. SILVERTHORNE: There are a number of ways to look at this same complex interaction between state law, federal law, and Department rule, as well as case law. You can request whatever you think is going to work. It may not be that the district plan is the focus of this, and ask for clarification, in particular, with the cultural and language effect.

MEMBER JACKSON-DENNISON: So, back to the wording now, what do we want to put in here? Because when you read it now, it doesn't really of course, Alan knows about this, if he is going

to wordsmith it. But it needs to be understood that there are issues out there, and I don't know how we are going to word it.

MEMBER BUTTERFIELD: I would just suggest that that very first sentence that talks about it, I would take off the district plans. We are trying to influence what the Department does. We can say, maybe add a sentence at the end that says, I would just say that, when state plans are submitted to the federal government, those plans be reviewed for their compliance. And then, we could say that the Department requests that the states, then, provide guidance to districts, so that their plans also reflect an understanding of this unique relationship.

MEMBER JACKSON-DENNISON: Joyce?

MS. SILVERTHORNE: Yesterday, when the question was posed to Michael, the Office of General Counsel attorney that works with our office was in the audience and is also aware of this, and was looking at it questionally as well. So, for whatever that is worth, I think there is already an inkling that this is coming.

MEMBER JACKSON-DENNISON: Okay. Wow, I feel good.

(Laughter.)

Finally, after all these years. Okay.

So, now the rationale. I think that is still good. I don't know. Okay.

Stacy?

MEMBER PHELPS: Yes. Isn't it just, because you are talking about Arizona, but isn't there a law on the books already in Arizona regarding tribal consultation, that it is a mandatory thing that all your major agencies, before they do anything that significantly affects tribes or tribal members, they have to do mandatory consultation?

MEMBER JACKSON-DENNISON: It is not done, though.

Go ahead.

MEMBER BUTTERFIELD: I think what he might be alluding to is if there is any previous Executive Orders where this law might be a conflict within a state or other agreements with tribes.

MEMBER JACKSON-DENNISON: I don't know.

MEMBER PHELPS: No. No. Well, I mean, I guess I am alluding to two things. One, for Arizona, if you have a State law and they are telling you it supersedes, as a tribe, I should be pushing to follow the State law because it is their law, first off.

MEMBER JACKSON-DENNISON: What they are saying is that it was passed by two-thirds of the vote. And so

MEMBER PHELPS: It is not a State law?

MEMBER JACKSON-DENNISON: It is a State law.

MEMBER PHELPS: Oh.

MEMBER JACKSON-DENNISON: English-only is the State law.

MEMBER PHELPS: No, no, no. The tribal consultation law.

MEMBER JACKSON-DENNISON: Oh, I don't know about that. I can't answer that.

MEMBER PHELPS: I think Arizona has a tribal consultation law where, especially it came out big in the health stuff, but I think they have applied it to, when Napolitano was Governor, they signed in a law regarding tribal consultation. Before any State agency does major work or any type of adjustments to agreements, they have to do consultation to the tribes that it will impact.

MEMBER JACKSON-DENNISON: Well, I do know that when this issue happened, it was when Napolitano was the Governor. I actually sat down with her myself, and she didn't bring anything up like that. She just kind of said, "Debbie, could you just please teach English for X number of minutes?" And we kept saying, "No, we can't. This is against our methodology." So, it didn't happen, even though she was the Attorney General when the Native American Language Act was first initiated.

MEMBER PHELPS: Well, I would check into that.

But the other thing I was going to suggest, though, is, based on that, I mean, because Patricia mentioned this as well, do you think maybe you should, not in here but as an addendum, give some guidelines about what is adequate tribal consultation? I mean, because you say they come and do it. It goes into these plans. I mean, I think this boat has already sailed.

MEMBER JACKSON-DENNISON: I don't think it has.

MEMBER PHELPS: Well, there are 38 plans that are pending approval already. All of them are with the states that have big Indian populations.

I mean, I guess the big one is already done. Now I say we should focus on the ESEA reauthorization and make them do something in that.

MEMBER JACKSON-DENNISON: That's true.

MEMBER PHELPS: Because, I mean, the state plans are already done. They are already pending. And states aren't going to pull them, and the Department of Ed is not going to make them pull them to put tribal stuff in them.

So, I mean, if this was one of our top three or four priorities, the ship has already kind of sailed, in my opinion.

MEMBER BUTTERFIELD: Well, I would disagree with that because I think what we are trying to do is establish sort of some parameters for moving forward. So, even when ESEA, we still want to make the Department more aware of the kind of influence that we would like them to exert over the states because they do have some leverage.

MEMBER PHELPS: Right. I guess my point is, Robin, I mean, I understand what you are saying, but this was in our report and these plans went out last year. The fact that it was in our report and 38 plans just went through, and nobody paid attention to it, I mean, obviously, they don't understand what tribal consultation means. And that is why I am saying, maybe we should force guidelines versus what they should do, because it was right there in black and white. I mean, comprehensive state district plans, and nobody paid attention to it.

MEMBER BUTTERFIELD: Well, but we didn't send this to the Secretary, for one. I think that we are, as a group, even becoming clearer of what we want to emphasize. You know, we had only met twice before we made our report to Congress last year.

So, I am saying I don't think it is too late. It is never too late to try to emphasize the things that I think we think are important.

I think it is sort of central, in my opinion, to what we are trying to do here with NACIE, to raise the awareness of everybody in the Department in terms of how, even though they have the best of intentions, some of those things don't yield the results that we want, because they don't emphasize the right kinds of things.

I mean, just Patsy asking yesterday, were there any people reviewing those plans for waivers that were Indians, or had sort of that at the forefront of their thinking when they were approving those plans I hope we can have some influence.

But I wouldn't take it out because it didn't happen.

MEMBER JACKSON-DENNISON: Yes, we have got to start somewhere.

MEMBER PHELPS: So, maybe that should be the recommendation, that state plans that have Native students should have a Native reviewer versus this.

MEMBER BUTTERFIELD: I think the way we had it worded last year people didn't quite understand.

MEMBER PHELPS: Yes.

MEMBER BUTTERFIELD: And now that we are that is really what we are doing. I like that. State plans that have Native students should have Native reviewers.

MEMBER WHITEFOOT: That goes back to Indian Education 101.

(Laughter.)

I just want to say that, when we get Item C, which is improved tribal consultation by all government agencies, perhaps we want to put this together with raising the profile, just adding Recommendations 11 and 12 and moving up and giving greater emphasis on consultation. Every state is different around consultation.

And with regard to language and I can point to our district we are able to move forward with the district and use IPPs.

What I was concerned about this particular statement is there wasn't any reference made to the tribal community. It is just the district and the state. To me, it is always about the tribal

community as well, the community at large, and all legislation speaks to the community and parents. And so, I would like to place emphasis on the parents and the community as a whole in here as well.

MEMBER JACKSON-DENNISON: I agree.

MEMBER AREVGAQ JOHN: Yes. This is Theresa.

MEMBER JACKSON-DENNISON: I forget I am the Chair.

(Laughter.)

Theresa?

MEMBER AREVGAQ JOHN: In Alaska, this is a real issue. We have only one immersion program in our district of 27 schools because it is all State schools. In order to have an immersion school, they have to build the school within the school. The funding is very, very limited. The students don't have any resources in order to get elders or experts into the classroom. They have to look outside of their annual limited funding to have additional resources or even to develop curriculum.

I hope that this will become, you know, voiced out more powerfully because, right now, like you stated, the first immersion graduates are now the valedictorians and salutatorians of the school, regional school.

So, I would like to request that at some point we request for research on the outcomes of students that have gone through the immersion programs. Right now, what we are doing is, because we don't have a framework within the State school district, we are adopting the National Dual Language Program, and we are adopting the storyline books to create/develop Yukon immersion classrooms. As we are speaking, they are developing as they are teaching.

So, I really support this, that we concentrate in strengthening the relationship between the school and the federal and state school administrations, so that we provide the needs of our students.

That is all I wanted to add.

MEMBER JACKSON-DENNISON: Okay. MaryJane?

MEMBER OATMAN-WAK WAK: I would like to make some recommended language in terms of the rationale that: "The U.S. Department of Education recognizes the sovereignty of tribal governments and their jurisdiction over the lands and people within the reservation boundaries, as defined by federal law. The definition of federal land includes all lands within reservation boundaries, 18 USC 1151."

MEMBER JACKSON-DENNISON: Give that to our typist.

(Laughter.)

MEMBER OATMAN-WAK WAK: Furthermore, I think that we need to have some language in there around the U.S. Department of Education's education consultation and alignment with federal consultation policies.

MEMBER JACKSON-DENNISON: Would that be another recommendation?

MEMBER OATMAN-WAK WAK: Yes.

MEMBER JACKSON-DENNISON: Okay.

MEMBER OATMAN-WAK WAK: I know we have been having consultations with the U.S. Department of Education about all our roundtables, but what is the policy? How old is it? Was it updated after the Executive Order issued by President Obama?

MEMBER JACKSON-DENNISON: That is a good question.

Robin?

MEMBER BUTTERFIELD: I would like to take Stacy's idea of having Native reviewers. I don't think we should restrict it to just the state plans. I think we should have maybe a more global recommendation and pull it out from this one, that the Department continually seek to have reviewers on all its federal committees, when it has reviews for grants. I just think they don't make sure that we are included, and we have a distinct lens through which we look at things. So, anytime the Department is setting up a review panel that is going to influence funding our programs, that they include a Native perspective on that.

MEMBER JACKSON-DENNISON: Okay. I don't know if he got that.

MEMBER WHITEFOOT: I would like to just recommend, I think this particular discussion warrants a transfer from improved coordination to raise the profile when it comes to state plans. So, move this item over under raising the profile of Indian education. And then, include consultation as well, moving consultation and these state plans all under raising the profile.

MEMBER JACKSON-DENNISON: I guess you have to live in Arizona to understand what we go through. There may be things in place, but whether people follow it or not, and, actually, the buck stops at this level. That is really what we are saying, that although we may have Executive Orders in place, you have to understand it is really interesting to see how sad it really is, what we go through in that State with the issue of immigration. I have constantly said we are not immigrants, but we are treated like that because of wanting to do our own language and our own culture. So, it is tough.

MEMBER THOMAS: But, Debbie, if it is happening to you, it is happening to other tribes, too. You are the example and the voice that is here that we hear. But we have to be aware, like the global effect, that we have to be aware that there are other tribes

MEMBER JACKSON-DENNISON: Right.

MEMBER WHITEFOOT: in the same danger.

MEMBER JACKSON-DENNISON: I am just explaining because he showed me the Executive Order that does exist in Arizona that is signed by Jan Brewer.

MEMBER PHELPS: And my point is, you know, we live in South Dakota, which is one step away from Arizona. I think we take your play book most of the time in terms of our State policies and practices.

But we have always found, for states that are very much about states' rights, if you use state laws to hold them accountable, it is less ability for them to argue out of it. You know, if you come down imposing federal law and treaty law, they just say, "Hey, we're state."

MEMBER JACKSON-DENNISON: Right.

MEMBER PHELPS: But if you say, "Federal law, treaty law, and, by the way, your law," it is just less wiggle room. That was my point.

MEMBER JACKSON-DENNISON: Okay. Thank you for that.

MEMBER WHITEFOOT: Are we okay with the recommendations I made to Lu, to move those items, move consultation over and state issues under raising the profile? Are we okay?

MEMBER JACKSON-DENNISON: Yes, I am fine with that.

MEMBER WHITEFOOT: Okay. Fine.

MEMBER BUTTERFIELD: But, consistent with that, I had and I don't think our typist has captured this because he was trying to catch up with what MaryJane had prepared but I would like another recommendation that would go in that same section of raising the profile within the Department of Ed. It is that the Department consistently seek to include reviewers who are Natives that have a perspective that isn't often shared in the review panels or

MEMBER JACKSON-DENNISON: Native experts.

MEMBER BUTTERFIELD: Native experts be included on a regular basis, not just with Title VII. You know, like reviewing the waivers or sometimes when they are looking for input, whatever review panels, that we have a very unique perspective that is often not considered if we are not in the room.

MEMBER JACKSON-DENNISON: Jenelle?

MS. LEONARD: In that section, to elaborate and give you some examples that you could address, if you go where is that section again? So, you are saying competition?

MEMBER BUTTERFIELD: Yes.

MS. LEONARD: You are saying any applications that come into the Department?

MEMBER BUTTERFIELD: Correct.

MS. LEONARD: Any peer reviews. What other kinds of special initiatives, priority programs, yes, where there is a review. So, those would be some of the specific examples that you

MEMBER JACKSON-DENNISON: And even as far as, yes, special initiatives, competitive grants, or anything like that. Because like I use the example of, when Secretary Duncan first took office and he put out the rules, I guess, the first time the Race to the Top went out, I read that and I thought, are states going to come to us and ask us what we are doing, because we are the lowest-performing of

the whole State? I mean, my school district wasn't, of course. But when you look at, in general, Arizona schools, you look at the data, and the lowest-performing were on Indian reservations.

So, sure enough, a few days before that grant was due, I got a phone call saying, "We want to know." It wasn't until then that is the amount of control the federal government can have on the state. If they want something, they want their plan approved, then they need to go back and not just ignore and say, "Oh, this, too, shall pass. Ignore it and we can submit our plans, and we have been getting it through all these years."

There have to be some controls in place such as that. That was a good example.

MEMBER THOMAS: It is like an essential plan

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: an essential part of the plan. I think the word is "essential". So they don't pass it over.

MEMBER JACKSON-DENNISON: Correct.

Okay. Are we ready to move on? Here's another big one. Recommendation: "Impact Aid reauthorization. The U.S. Congress repealed the equalization provisions of 8009 of ESEA," and then our rationale. "States such as New Mexico that serve a large number of American Indian and Alaska Native students are negatively impacted by the application of the equalization provisions. As indicated in a 2009 study, that defeats the intent of the legislation which established Impact Aid."

That, along with what we had yesterday, as far as

MEMBER BUTTERFIELD: And I saw this one as primarily a recommendation to Congress. But yesterday we had four, almost five, comments that I think were given to us, that there be greater efficiency in the payments. Now that might be a specific one to include to the Department, so that those payments come out in a timely manner. So, that is more of a Department function.

MEMBER THOMAS: Is that the portion about forward funding?

MEMBER BUTTERFIELD: No, that would go into congressional. That is why I am saying some of these need to be broken out separately.

And then, there was something about the Table 9 provision, verifying

MEMBER JACKSON-DENNISON: Residency.

MEMBER BUTTERFIELD: Residency?

MEMBER JACKSON-DENNISON: Uh hum.

MEMBER BUTTERFIELD: Would that be a legislative change or a Department? Oh, that is what he said held up the payments, was that.

MEMBER JACKSON-DENNISON: Right.

MEMBER BUTTERFIELD: But is that in statute or is it a Department

MEMBER JACKSON-DENNISON: It is a practice.

MEMBER BUTTERFIELD: It is a Department practice? So, that would go

MEMBER JACKSON-DENNISON: The question that we had when he was talking about that the payments aren't timely to districts, that is because there is a need to verify property?

MS. SMIT: Right. They verify property and

CHAIR ACEVEDO: Please identify yourself.

MS. SMIT: Susan Smit, Wagner Community School.

They verify property section-by-section, lot-by-lot. Until they do that, they won't make the payouts. And so, the payments are late for the whole program.

MEMBER BUTTERFIELD: So, I think what we are questioning, is that sort of a Department administrative requirement as opposed to something that is in legislation? If it is not in the legislation, then we are asking the Department to be more efficient about it, maybe even waive that as a requirement for them to receive the funds.

MS. SMIT: There has been correct me, Debbie, if I am wrong but there has been some controversy about the land and the agreement on what percentage the land should be paid at. For example, if you have federal properties, like forestland or timberland or core land, then there has been disagreement about how much that should be paid out at.

And so, I think there is an agreement now that has been made between two groups, and there is a technical amendment that is currently being discussed that they would be able to push for. There has been some movement on it that would allow that to happen in a more expeditious way. But that would be our hope, that it would be able to move forward more quickly.

MEMBER JACKSON-DENNISON: That is true. There also is the administration part of it where they claim that there is not enough staff. So, it is held up in that sense, too.

MS. SMIT: I think they have positions, but they haven't filled the positions in the Department. And so, they feel that their workload is larger than what they can handle.

MEMBER JACKSON-DENNISON: MaryJane, do you want to add something?

MEMBER OATMAN-WAK WAK: I just want a question of clarification based on the comment that she made about the U.S. Department of Education's assessment. Does the U.S. Department of Education have a division or office that assesses fair market value on Indian trust lands? Because, for this kind of an assessment of timberlands and public lands oh, gosh, what are the other agencies? BLM, federal timber properties, fisheries, low-income housing, and Indian trust properties. If this is the case, I would like to see an analysis and a breakout of this fair market value of Indian trust lands, if the U.S. Department of Education is in the business of assessing the value of these properties.

MS. SMIT: No, it is related to what would be the 8002 section of Impact Aid. There are the federal properties, which would be those lands, and those are the lands that are holding up payments to the 8003 basic support payments for Indian lands and for military lands. And so, until they get the 8002 lands determined to hold that money, they do not pay out Indian lands and military lands. That holds up the whole show.

MEMBER JACKSON-DENNISON: Joyce?

MS. SILVERTHORNE: As I understand and we were trying to understand this better yesterday, and certainly we are not experts on Impact Aid however, there is a very complex LOT, and I forget what the acronym stands for, and then state-by-state there are differences between states for how that is computed.

That is part of the complexity of figuring the 8002, the 8003. If land has never been appraised before, which many of our reservation properties would fit in that category, then they may or may not be appraised appropriately. And that goes back to who does the appraisals.

And, no, the Department of Education isn't the appraisal unit. So, they rely on some other departments, and I can't tell you for sure who that is, but I just know it isn't in our office.

MEMBER JACKSON-DENNISON: I think we could just generally say whatever is causing the delayed payments needs to be addressed by the this is a letter to the Secretary.

But there is a bigger issue, that I don't know if you heard it clearly yesterday, but brewing, I would say. That is that, because of the lack of reauthorization of ESEA, it is going to cause sequestration of Impact Aid. So, that was why my question to Michael was, is there a way that we can legislatively I mean, this is where the resolution idea would have been perfect, if we could do such a thing. But since we can't, how can we encourage the Secretary somehow to do something so that Indian children aren't impacted by the lack of funding that is going to come as a result of Congress not reauthorizing ESEA?

That is the big issue that is happening that we are worried about. Because, come January 2nd of 2013, it is going to hit us, and we are in the middle of contracts. We need contract renewals for next year. Do we not offer contracts? That is where we are at right now within our planning for next year. We are holding off because we don't know, and it is going to really impact Indian country, the 93 percent that I was talking about, the 10 public schools.

MS. SMIT: But, Debbie, one thing I want to make sure, it is the 8002 properties and their value, not the Indian lands.

MEMBER JACKSON-DENNISON: No, it is not Indian lands.

MS. SMIT: It is the 8002 properties that are holding up the payments. There is a difference. We get 8003 basic support, Indian education, Indian money, or military money, if you are a military school. But it is those forestlands, that is what is holding it up because they are not assessing those; they are not able to get ahead of that.

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: I have a question. I have a question because I am not really up on Impact Aid. But when the money is delayed I know that you were talking about forward funding but money is delayed and the school district knows that it is going to be coming, do they use it out of their general fund and, then, you have to replace it?

So, in other words, I am thinking broader, smaller schools who don't have

MEMBER JACKSON-DENNISON: Exactly.

MEMBER THOMAS: a large general fund are just going to bypass until they actually get the money. When you do get the money, it is late in the year, and then the kids, it is not going to affect them, as it could have at the beginning.

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: Am I clear about this?

MEMBER JACKSON-DENNISON: And then, on top of that, we have sequestration possibly happening. So, those schools that are already barely surviving

MEMBER THOMAS: Yes.

MEMBER JACKSON-DENNISON: are going to be probably wiped out.

MEMBER THOMAS: Well, I think that information should be either in the letter or in this report because they don't understand that, you know.

MEMBER JACKSON-DENNISON: Right.

MEMBER BUTTERFIELD: What I think we need to separate out is the part that deals with timely and efficient disbursement of funds goes in the letter to the Department. And then, when we are talking to Congress, we are talking about eliminating the equalization piece, the forward-funding of the money, and the issue of sequestration.

MEMBER JACKSON-DENNISON: Correct.

MEMBER BUTTERFIELD: So, I think just do two different recommendations, and they go into separate pots.

MEMBER JACKSON-DENNISON: Correct. I agree with that.

MEMBER THOMAS: But I think we should put the language in to explain how it

MEMBER JACKSON-DENNISON: Microphone, microphone.

CHAIR ACEVEDO: Microphone.

MEMBER BUTTERFIELD: Well, that would go in the rationale section, yes,

MEMBER THOMAS: That is what I mean. We need to put that in there.

MEMBER BUTTERFIELD: Absolutely.

MEMBER JACKSON-DENNISON: Did you get all of that?

MR. CRAWFORD: I'm sorry, I didn't get Virginia's piece.

MEMBER BUTTERFIELD: She was just saying, in the rationale statement, that there should be that description of the impact; when those funds don't come in in a timely manner, how it detrimentally affects those schools.

MEMBER JACKSON-DENNISON: Okay. Virginia?

MEMBER THOMAS: The thing, it says it right here. It says, "States such as New Mexico...." So, we have designated a small portion, when people who may, hopefully, be reading this or at least refer back to this when they "Oh, it does affect my tribe. It does affect my state," because of the smaller tribes that are in those.

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: So, that is what I am worried about.

MEMBER JACKSON-DENNISON: Correct. Now I don't even know if the State of New Mexico is aware of this sequestration, but it is going to hit them because of the money going straight to their general fund, like it doesn't do in non-equalized states. But I haven't heard anything because I don't even think they understand how bad it is going to hit their general fund. But that is just a side note.

Anything else on this?

MEMBER WHITEFOOT: I have one further comment. And that, again, goes back to making certain that we are reaching out to the tribal community as well. That includes parents and community members.

I would just like to make a recommendation that our Office of Indian Education Program be actively engaged in this issue, and to the extent possible, that the Executive Order goals include conversations about Impact Aid with the Bureau of Indian Affairs because we are one of those I come from a reservation where we have large forested lands. As a matter of fact, it is about half of our reservation.

And so, I think it deserves further examination because it is going to impact several Northwest tribes, and I am sure, yes, in Arizona as well. I think it deserves further conversation and examination, and not just, again, being narrowly-focused on district, but we also need to include a broader audience. It may be one of those items that needs to have consultation or a study.

In our FACA regulation, it also makes references to reports that we may do. It says something about studies that are conducted, and that it may be that we might want to have a study done on just Impact Aid to include it under the EO. I don't know if we can, but it is just a suggestion for us to take a look at the EO and see if that is something that we can possibly include here or plan for in the future, the very near future.

MEMBER JACKSON-DENNISON: Robin?

MEMBER BUTTERFIELD: Yes, under the bullets that we are identifying what would go to Congress, we also need to add the reference Section 2007 around the facilities funds, that those are underfunded.

MEMBER JACKSON-DENNISON: 8007?

MEMBER BUTTERFIELD: School construction under Impact Aid is underfunded consistently.

MEMBER JACKSON-DENNISON: I think the biggest thing under the recommendation to Congress is their lack I don't know how to put this.

MEMBER BUTTERFIELD: Facilities underfunded.

MEMBER JACKSON-DENNISON: Okay. Go ahead and finish that one.

MEMBER BUTTERFIELD: Yes.

MEMBER JACKSON-DENNISON: Then, I will give you another thought.

Maybe this is where we put it back on the I am not sure where it goes, but we need to make reference to the fact that the lack of not authorizing ESEA in a timely manner is really going to affect Indian lands' children across the country because of the sequestration issue.

I don't think they understand that, to the level that it is almost like, well, something else will come through for them. But we have nothing else to come through for us. That was the whole point of the presentations yesterday.

MEMBER THOMAS: I think that is real important that we get that information in there.

MEMBER JACKSON-DENNISON: That needs to be hugely displayed because, like I said, it was frustrating a couple of weeks back when I was on the Hill, the lack of knowledge. This book would have come in handy on my visits because we went with the other subsections up on the Hill. They understood the military, but they had no clue about Indian reservations and how much in need we are. And so, it is almost like there was a lack of even the care for it because they don't understand.

What you don't know you don't know. What was that saying? What a person doesn't know they don't know what they don't know.

MEMBER THOMAS: Yes. Actually, we print T shirts.

(Laughter.)

MEMBER JACKSON-DENNISON: So, we need to get this to them as well.

Okay. Anything else?

MEMBER WHITEFOOT: Can you make certain under the EO goals that we include the Office of Indian Education Program, too, the OIE? It deserves further examination, including OIE.

Thank you.

MEMBER JACKSON-DENNISON: Okay. Anything else?

(No response.)

We are moving right along.

No. 6, "Tribal agency departments. That the reauthorization of ESEA recognize tribal education departments and tribal education agencies on the same level as state agencies."

Okay. Any comments on this one?

MEMBER BUTTERFIELD: Yes, I think that what we are asking for is that well, first of all, this goes to Congress at this point. That is where the funds came from for even this pilot, the step pilot.

But I think that we want to say that the reauthorization of ESEA authorize pilot tribal education departments. I know some people want it on the same level as a State Education Agency. At this point, it is my understanding that they are not going to be able to actually administer those federal funds, that they are really looking at how they could influence, because by statute they don't have the authority to do that. Is that correct?

So, that would be a legislative suggestion, that they be given so, I guess that is a legislative piece.

CHAIR ACEVEDO: I think Jason has it up there as congressional, right? It is the congressional piece that we have?

MEMBER BUTTERFIELD: Yes, yes.

But I also think that we might want to tread lightly because it is a pilot, that some federal programs could be administered by the TEAs. I thought I got a pretty strong indication from the Impact Aid folks that those funds are going directly to the schools, and they wouldn't want, for example, those funds. I don't think Title VII goes you know, it goes directly to the district also.

So, those are some things that I think we would want to be clearer about because it could be interpreted otherwise. So, I would strike the words up there on our recommendation "on the same level as the State Education Agency". I mean, that is just my opinion. When we actually take votes on these, I think we need to be clear what we are supporting and what we are not.

CHAIR ACEVEDO: I think the purpose at this time, if there is no objection from the Council, will allow Robin's recommendation to stand, and then we can decide whether we want it in or out on final vote.

Any other comments on Recommendation No. 6 at this stage?

(No response.)

Hearing none, let's move on to 7. Recommendation No. 7, "Schools to prison. This one is to encourage the Department and Department of Justice to conduct joint listening sessions within Indian country to address school discipline disparities and the school-to-prison pipeline that disproportionately affects Alaska Natives and American Indian students." The rationale, again, disproportional dropout and incarceration rates of our people.

MEMBER BUTTERFIELD: Could we provide some context for this one? I think it is primarily a Department responsibility, but say something like, consistent with the President's Executive Order on Indian education and the charge to do some collaborative interagency problem-solving for Indian country, that this be a recommendation that could be included as part of the actions of the Executive Order?

CHAIR ACEVEDO: Okay. That gives enough for Alan to work with.

MEMBER BUTTERFIELD: Right.

MEMBER WHITEFOOT: I was just going to elaborate on not only school discipline disparities, but also special education disparities, the disproportionate number of Native children that are in special education, and substance-abuse-related issues as well. And we are also talking about communities of poverty. And just make a reference to, also, the Tribal Law and Order Act because of some of the work that we are addressing with the Tribal Law and Order Act and SAMHSA.

CHAIR ACEVEDO: All right? Any other discussion on No. 7?

(No response.)

All right. Let's proceed to No. 8. Recommendation No. 8 is for the OIE grant programs, both discretionary and formula grants, "that grantees be required to set aside between 5 to 10 percent of grant funds to be used for dissemination of promising practices and other data."

You have got your rationale up there.

MEMBER BUTTERFIELD: Can I ask a question of Joyce?

CHAIR ACEVEDO: Yes, go ahead.

MEMBER BUTTERFIELD: How would this impact the programs? This is through the LEA-funded programs, correct? Or it is both, I guess. It says both discretionary and formula.

And what kind of an administrative process could you envision for being able to do this? Or is there something, for example, under the national activities that is already attempting to cull out best practices? I thought I had heard there was a study that is underway.

MS. SILVERTHORNE: There is a national activities study that is underway. We are working now with the contractor to go through details. There is a working group that will be working with them.

In that, they are going to be looking at, first of all, the formula programs and trying to determine some of those lessons from the field. We are steering away from the terminology of best practice or promising practices. They have some parameters and guidelines that are less in favor at the moment under the research area. And so, it is lessons from the field to be as generic and open to as broad a survey as we can make it.

With that, we are hoping to have some reasonable information back to you on some of the things that those programs will be doing, have been doing, and where success lies, and some recommendations, with consistency between years, because it is a single-year grant. And yet, frequently, the objectives change from year to year. So, there are some struggles within.

If we look at the recommendation and 5 to 10 percent for some of the larger ones, that is a tremendous amount of money. For some of the smaller ones, that is a large proportion of their budgets. We have a larger number of small grants than we do large grants.

I was trying to look at my paperwork to see if you have the amount of I believe it is like 700-and-some grants are under \$50,000. So, if you take 5 percent or 10 percent from those grants, that is very difficult. And some of those small schools still are exemplary programs.

MEMBER JACKSON-DENNISON: Okay. We will go with Virginia, then.

MEMBER THOMAS: There were some comments made yesterday, and it was about mentoring programs and things like that, that we had a discussion. Was part of this that we were talking about for best practices, what our recommendation was? I have slept through this thing.

(Laughter.)

MEMBER BUTTERFIELD: Well, I remember the mentoring that Michael talked about. I remember him talking about high-performing districts or states mentoring schools, yes, it was schools mentoring schools. High-performing with low-performing was one of the strategies that was being employed under the waiving process, but I don't remember anything

MEMBER THOMAS: Because, like Joyce said, this is a high percentage for some of those schools. Maybe we might give an alternative, is what I am thinking.

MEMBER BUTTERFIELD: Well, what I was going to recommend is that we focus on the notion of the best practices, but not use this recommendation of taking the money out of the grants. Because, having been a Title VII Director, I think it is unrealistic, first of all, to expect all of them to do it. And it is more of a national activity anyway.

So, if that is underway, that we sort of support the notion that we need to continually in an ongoing way, especially if you said that this is just a one-year grant, to capture the practices that are working and that could be replicated in other places.

MEMBER JACKSON-DENNISON: Joyce wants to respond to that.

MS. SILVERTHORNE: During our technical assistance day, there are opportunities to present. In the last three years, there have been presentations from programs that are doing well. I think our challenge is to have better information on how to get those best programs being part of that presentation.

MEMBER JACKSON-DENNISON: Okay. Back to MaryJane.

MEMBER OATMAN-WAK WAK: The only recommendation that I would make is that "For OIE grant programs, both discretionary and formula, that grantees be required to disseminate lessons from the field." I mean, strike out the funding portion.

I know that other competitive grant programs funded under Secretary Duncan have set-a-sides specifically for dissemination activities. So that, on the forefront, before they even start their pilot projects, that they are documenting every single step along the way, so that it can be replicated by their peers. That is the intent.

And so, we have no mechanism for peer-to-peer program-sharing with any of the discretionary/formula programs outside of if they are doing a stellar job and they are invited in to share with their peers. But I think that we need to strengthen the language so that they know on the front-end that your peers might need some of the tools in your toolbelts or your tools, you know, borrowing some of these program models to make their own fit.

And so, I think that we still need to have some dissemination language in there, but striking the funding portion.

MEMBER JACKSON-DENNISON: Go ahead.

MEMBER WHITEFOOT: And then, I also have a final statement or an add-on. I want to add the statement at the end that it is built on the principles of Indian self-determination and Indian preference.

MEMBER JACKSON-DENNISON: Basis.

MEMBER WHITEFOOT: Built on the principles of Indian self-determination and Indian preference.

MEMBER JACKSON-DENNISON: Virginia, did you want to say something? Or, no, who had their hand up over here? No?

MEMBER WHITEFOOT: In this one, we could also cite the Act, the Indian Self-Determination and Education Assistance Act. At the end, just cite that, the Indian Self-Determination and Education Act. I want to emphasize Indian preference.

And the reason that I state this, this goes back to the comment that was made yesterday about tribal communities being asked to provide support documentation to agencies that are wanting to go after some of these firms at the last minute and want tribes to participate, and have not been involved in the planning at all.

There are reasons why some tribes choose not to. But, then, some of these non-Native agencies have learned to circumvent tribal control.

I also think this is primarily a Department recommendation.

MEMBER JACKSON-DENNISON: Okay.

MEMBER AREVGAQ JOHN: Can I also ask for Alaska Native to be part of the Indian, on that language that says "Indian," to be in alignment with the Order, Alaska Natives, "American Indian and Alaska Native students"?

MEMBER JACKSON-DENNISON: Did you get that?

I don't think he can hear you. You have got to speak up into the microphone.

MEMBER AREVGAQ JOHN: To be in alignment with the Executive Order, where it says "Indian preference," I would like to add "American Indian and Alaska Native".

MEMBER JACKSON-DENNISON: Okay. Anything on the rationale?

MEMBER BUTTERFIELD: Well, just I don't see where he put where did you say strike the set-a-side section up there? The whole set-a-side 5 to 10 percent, we want to take that out for that step.

MEMBER JACKSON-DENNISON: Okay. Do you want to strike it completely out of the heading?

MEMBER BUTTERFIELD: Yes.

MEMBER JACKSON-DENNISON: Yes.

MEMBER BUTTERFIELD: Yes, yes, yes. Take out that "set aside 5 to 10 percent of the grant funds," yes. Yes.

MR. CRAWFORD: Do you want me to add "disseminate" right now as well, as MaryJane suggested?

MEMBER BUTTERFIELD: Yes. Well, and then, I had also said that the sharing of these best practices be an ongoing national activity, not just kind of a one-shot deal.

MEMBER JACKSON-DENNISON: Okay. Questions?

(No response.)

Okay. Are we on to rationale or does that stay the same?

Take out that one word.

MEMBER WHITEFOOT: I would recommend taking out the word "requirement". I mean, I can just hear and I am a current Title VII Director. I don't know if it is up above now. It should be "recommended" or something. I don't see all Title VII programs

MEMBER BUTTERFIELD: Right.

MEMBER WHITEFOOT: doing that. If requested, maybe. If requested by OIEP or something.

MEMBER BUTTERFIELD: Well, I think MaryJane's point was that they be thinking about capturing all the way through their exemplary successful strategies.

MEMBER WHITEFOOT: Right. Right.

MEMBER BUTTERFIELD: Maybe we could just end it after the word "them" because the dissemination would have to happen from the national level.

MEMBER WHITEFOOT: Right. Just take it out.

I had a question of Joyce. She said you are communicating currently with a contractor or something, and they didn't want to use the term "best practices". I am curious about what kind of language that they are using. Is that a Department stipulation?

Because this is an issue that we also bring up in SAMHSA with some of our best practices and evidence base, scientific base. So, what language is being used? I am curious.

MS. SILVERTHORNE: At the risk of stepping out on a limb here, the best practices are linked to evidence-based research process. When you start looking at the top level of research and what gets us there, there are requirements that are difficult for some of our small communities to meet, control groups, experimental process.

And so, moving away from the best practices gets us into more flexibility in the research and study process.

MEMBER WHITEFOOT: So, they are saying evidence

MS. SILVERTHORNE: Lessons from the field

MEMBER WHITEFOOT: Oh, okay, they are calling it lessons from the field?

MS. SILVERTHORNE: is what they are telling us at this point.

MEMBER WHITEFOOT: As opposed to evidence-based scientific research?

MS. SILVERTHORNE: And evidence-based requires fidelity and a stringency of the process that has been a challenge for many of our best programs.

MEMBER JACKSON-DENNISON: It should be lessons from the field.

Anything else on this item?

MEMBER WHITEFOOT: And just a quick question to follow up. Are there any Native programs that have met the evidence-based scientific approach? I mean, that is something we are looking at in SAMHSA as well and the work that we are doing with the Department of Justice on the Law and Order Act. I am curious.

MS. SILVERTHORNE: If there are, I am not aware of them.

MEMBER WHITEFOOT: Okay.

MS. SILVERTHORNE: Under the i3 initial grant

MEMBER WHITEFOOT: Right.

MS. SILVERTHORNE: there was only the program that mentioned American Indians. That is probably our best example of those three layers of

MEMBER WHITEFOOT: Right.

MS. SILVERTHORNE: evidence-based research.

MEMBER JACKSON-DENNISON: Any more changes or additions or deletions on the rationale?

(No response.)

Okay. We will move on to Item 9.

MEMBER BUTTERFIELD: Question: this seems like a short-term thing. I thought Race to the Top was kind of a one-shot funding thing. Is this an ongoing process?

MEMBER JACKSON-DENNISON: Bill, do you want to you are shaking your head.

MR. MENDOZA: Yes, just as RTT early learning challenges came out, you know, there are conversations going on as to the next phase in Race to the Top.

MEMBER JACKSON-DENNISON: So, let's look at this, then.

MEMBER BUTTERFIELD: Oh, okay. So, my second question is, then, this is something that the Department has initiated, correct? It is not in like legislation. So, this is primarily how the Department has operated that has limited how the BIE can apply and compete? I am just saying, is this a recommendation to the Department? It doesn't seem to be one that would go to Congress to me.

MEMBER JACKSON-DENNISON: That is a good question. I don't know.

Bill?

MR. MENDOZA: That is correct, yes. This seems like one that is more appropriate for the Department because we develop the regs around Race to the Top.

MEMBER JACKSON-DENNISON: Any changes to this?

MEMBER WHITEFOOT: Are we down on the rationale?

MEMBER JACKSON-DENNISON: Either recommendation or rationale.

MEMBER WHITEFOOT: I would just take out the "United States has a legal relationship" because we have put that in the beginning

MEMBER JACKSON-DENNISON: Okay.

MEMBER WHITEFOOT: from there clear down.

MEMBER BUTTERFIELD: And I would like to add, under the recommendation, that the recommendation is for Race to the Top funds or other similar competitive opportunities. Because that may be the name of this one, but there may be other times when the Department exercises its right to have an initiative like this, and we don't want to be left out just because we didn't identify it.

So, a little more generic language about Race to the Top or any similar kinds of

MEMBER JACKSON-DENNISON: Special initiatives.

MEMBER BUTTERFIELD: initiatives, yes.

MEMBER JACKSON-DENNISON: So, we want to add to that top where it says "Recommendation: Race to the Top funds or other similar initiatives"?

MEMBER BUTTERFIELD: For similar initiatives.

MEMBER JACKSON-DENNISON: Okay. Let's go on to No. 10. We are moving right along. We are halfway through almost.

CHAIR ACEVEDO: Just as a point of note for Council members, we will have an 11:15 presentation. So, keep that in mind as you are going through this.

MEMBER JACKSON-DENNISON: Okay. What time is it now?

CHAIR ACEVEDO: It is 10 o'clock.

MEMBER JACKSON-DENNISON: Okay. This one is the "National Schools and Staff Survey." This looks like it is to the Secretary again, right?

Do you want to bring out the typos?

MEMBER BUTTERFIELD: In the first paragraph, where it says "these publish" and "to publish results," I think you can just say "the data" and take out the "to".

And then, in the last paragraph, or second-to-last paragraph, it says, "the loss of these data". You could just say, "this data". That is the second-to-the-last paragraph.

Then, you have got the AI/NA. It is usually American Indian/Alaska Native. So, you have got those letters mixed up. It should be "AI/AN people". I guess it is in the rationale section.

MEMBER JACKSON-DENNISON: Okay. Move on to 11? Okay, back to 10.

MEMBER THOMAS: This is Virginia. I just want some clarification on this, the National Schools and Staff Survey. It speaks to the BIE schools and staff, but it also includes the Title VI schools?

MEMBER JACKSON-DENNISON: Joyce?

MS. SILVERTHORNE: If I could read a paragraph to you that I received when I tried to question this, because we really tried to look at tracking this backward and understanding better> I contacted Jack Buckley at NCES and asked him about the quotation that had been in the Indian Country Today.

His response was that, "Prior to 2011 and 2012, SASS included a census of BIE schools and produced restricted-use files for BIE schools, principals, and libraries. No public-use files were issued. In the earlier SASS collections, NCES received funding for this effort from the Budget Service Office of Indian Education." And so, this was the decision that was made through NACIE with the NIES information.

"Five hundred thousand was received for the 2007-08 SASS in two installments. This amount was to cover the collection and development of restricted-use datasets. NCES made it clear that reports would not be included in this price."

"When it came time to find funding for the 2011-12, made the call to OIE and were told by" a name I don't recognize "that it was no longer involved in such work."

No fiscal year 2010 Indian Ed funds were available and it would have to be externally-funded.

MEMBER THOMAS: Then, I challenge the title of this. It is not national schools.

MS. SILVERTHORNE: The National Indian Education Study that we have been involved in processing is just as it was left last year at your meeting. That was in May, when that decision was? April of 2011.

And there will be a study coming out. There is a draft that they have now. It will be coming out on the 2011.

MEMBER THOMAS: Just including the Bureau schools?

MS. SILVERTHORNE: No, there is no study just including Bureau schools.

And the criticism of the SASS change was that the BIE school and staff data was available from other places, and that their collection of it had not produced changing information. It had been the same over time. That was behind the decision to stop all that.

I still am unclear where it came from under OIE, but the decision of April with the NIES is somehow connected with it.

MEMBER BUTTERFIELD: So, it sounds like these are two different entities.

MS. SILVERTHORNE: Two different studies.

MEMBER BUTTERFIELD: Yes, two different studies. So, this one, it sounds like it is more limited to the BIE. Because I remember that we used to have the National Schools and Staff Survey data. So, I am confused here.

MS. SILVERTHORNE: And that still exists, but at this point in time it doesn't include BIE schools.

MEMBER THOMAS: It doesn't include?

MS. SILVERTHORNE: It evidently does not.

MEMBER THOMAS: Well, then, I am confused like Robin. This is not clear.

MEMBER BUTTERFIELD: What I think this is, is that the National Schools and Staff Survey is something that the BIE does. The NAEP study is what OIE does. Right?

MS. SILVERTHORNE: The NAEP study is the National Center for Education Statistics, NCES, and they do the random testing across the country with an oversampling of American Indian schools and population.

MEMBER BUTTERFIELD: Right.

MS. SILVERTHORNE: And that is not the same students each time they do it, which is the difference between our academic tests by state.

MEMBER THOMAS: Okay. Somebody explain this to me. Then, what are we recommending? What is our actual recommendation?

MEMBER JACKSON-DENNISON: That is what I am trying to ask. What are we recommending here? This seems to have the wrong title, the wrong information. It is not making sense.

MEMBER BUTTERFIELD: Well, I think one recommendation should be that we continue to produce the study that we do.

MS. SILVERTHORNE: The NIES.

MEMBER BUTTERFIELD: The NIES study that gives us good data on the performance of American Indian/Alaska Native students, period.

MS. SILVERTHORNE: Yes.

MEMBER THOMAS: That makes better sense than what we have here.

MEMBER WHITEFOOT: And can we spell out NIES?

MEMBER JACKSON-DENNISON: National Indian Education Study.

MEMBER BUTTERFIELD: And so, this is a recommendation to the Department.

MEMBER JACKSON-DENNISON: So, it would be a whole new recommendation. We need to strike the other one out.

MEMBER THOMAS: The rationale, too.

MEMBER JACKSON-DENNISON: The rationale would have to change.

MEMBER BUTTERFIELD: Yes, and the rationale is really simple. We need ongoing, accurate data about the performance and the needs of our Native students.

MS. SILVERTHORNE: You could also direct me to find out what the status is for the other part, for the other test.

MEMBER BUTTERFIELD: Okay. Well, we can do that without putting it in writing.

MS. SILVERTHORNE: Yes, you can.

(Laughter.)

MEMBER JACKSON-DENNISON: A written recommendation to you.

MS. SILVERTHORNE: Jenelle's hitting me.

(Laughter.)

MEMBER JACKSON-DENNISON: Okay. So, we will move on.

MEMBER WHITEFOOT: No, I want to also add that Native communities who want to come in and have access to the training, some of the training, I am not quite sure what the name of that is, that we include that and we have preference, provide Indian preference in the selection process to build capacity in our tribal communities.

MEMBER JACKSON-DENNISON: What training are you speaking of, Patsy?

MEMBER WHITEFOOT: It is the training that is conducted annually, and we have attempted to participate to build our capacity, and our doctorate person was approved and our tribal member was disapproved. We wanted to have a team approach. So, if you could help elaborate, that would be helpful.

MEMBER JACKSON-DENNISON: Joyce?

MS. SILVERTHORNE: The National Center for Education Statistics does an annual training, annual or biannual, and sometimes I think it has skipped a year, but it does a training for individuals across the country to come into D.C. They walk them through working with the datasets and the process that they work with.

In that, you are able, then, to develop your own analysis questions and information from that set of data. Granted, it is a very select population that they have done, and to encourage that that be available to capacity-build the opportunity for data analysis of American Indian individuals.

MEMBER WHITEFOOT: So, it has to do with the criteria, then, because our statistician was accepted and the other individual was not. And so, we are wanting to conduct training as well for

our tribal member who was moving forward. And we don't have that many people, Native people, at that level and who love that work.

(Laughter.)

But we do have an individual who is working with us and who enjoys disaggregating all of our data. So, I guess the recommendation, then, would be to recommend provisions that support Indian country to build capacity in analyzing data, in analyzing and utilizing data. It is a lot of work.

MEMBER JACKSON-DENNISON: Great. Okay. We will go on to No. 11. "Improved tribal consultation by all government agencies." This one, I guess, has improved.

First of all, does this go to the Secretary or to Congress or both?

MEMBER THOMAS: This is Virginia.

I think maybe we should retitle it because we have made positive steps in that way. This is an old section. And so, maybe we should rework the language in there, so it looks like in the report at least that we have stepped forward, and in the letter we could say, "Good job. We need to keep doing it."

MEMBER BUTTERFIELD: Well, I really think at this point it is about getting the information and feedback on the consultations.

MEMBER THOMAS: That is true.

MEMBER BUTTERFIELD: So, we could say something like "Access the results of tribal consultation by all government agencies."

MEMBER THOMAS: The results of the report.

MEMBER BUTTERFIELD: Yes.

MEMBER JACKSON-DENNISON: Who are we asking access for, us as NACIE? Do you want it accessible to the stakeholders?

MEMBER BUTTERFIELD: Yes.

MEMBER JACKSON-DENNISON: Okay. And then, so the recommendation might be to "Improve the process of implementing recommendations brought forth through consultation."? "The process of implementation of the recommendations".

MR. CRAWFORD: Sorry. Could you repeat that?

MEMBER JACKSON-DENNISON: "Improve the process of implementation of recommendations brought forth".

MEMBER THOMAS: That is why we are combining 11 and 12.

MEMBER JACKSON-DENNISON: So, 11 and 12 can be combined.

MEMBER WHITEFOOT: I just want to reiterate that Item C would move to "raise the profile".

MEMBER THOMAS: Well, that's good.

MEMBER JACKSON-DENNISON: Yes.

MEMBER WHITEFOOT: It would go to A, I believe, is what it was. It should move to A under "raise the profile".

MEMBER THOMAS: I agree with that.

MEMBER BUTTERFIELD: And I just think the rationale for both of these needs to be really about the notion that tribal consultation isn't just about gathering information. It is gathering information to impact practice and improve the conditions for our Native students. So, we need follow-through.

MEMBER JACKSON-DENNISON: Okay. So, we are moving on. Anything else on 11 or 12? We are combining the two.

MEMBER WHITEFOOT: I just would like to add just throughout the document we should make references to those appropriate laws, regulations, whatever. For instance, we have the Presidential Order on tribal consultation. So, we need to just cite throughout this document all appropriate laws, executive orders, et cetera.

MEMBER JACKSON-DENNISON: Okay.

MEMBER THOMAS: Just a point of information. Patsy, did your comment about moving it up, did that get noted on there?

MEMBER JACKSON-DENNISON: Yes.

MEMBER WHITEFOOT: Yes, it is up there.

MEMBER THOMAS: Oh, okay.

MEMBER JACKSON-DENNISON: Highlight it, so that when we read it, we won't forget.

MEMBER THOMAS: Yes.

MEMBER JACKSON-DENNISON: Okay.

MEMBER THOMAS: You're good as the typewriter over there.

(Laughter.)

MEMBER JACKSON-DENNISON: He has greatly improved.

(Laughter.)

MR. CRAWFORD: Excuse me. I have a question. During the presentation, I was going to actually move the ones that need to be moved. Would you like me to move that or just state it?

MEMBER JACKSON-DENNISON: Oh, during the presentation, yes

MR. CRAWFORD: Okay.

MEMBER BUTTERFIELD: Yes, move it. Move it.

(Laughter.)

MR. CRAWFORD: Thank you.

MEMBER BUTTERFIELD: Just move it.

MEMBER JACKSON-DENNISON: We will move on, 13. This is under "Providing improved technical assistance to address the needs of AI/AN students. Recommendation: technical assistance."

Recommendations? Changes? Does this go to the Annual Report or does it go to the Secretary, or both?

MEMBER BUTTERFIELD: It goes to the Department right now.

MEMBER JACKSON-DENNISON: Okay.

MEMBER THOMAS: Just a point of order again. Maybe Jenelle can answer this. It says that a high priority be placed. That was our recommendation last year. So, where have we stepped up or completed or where are we standing now? Because this was last year. That was our recommendation. We need to show some kind of progress.

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: Jenelle?

MS. LEONARD: So, at 11:15, you are going to get an update on the technical assistance piece. And then, as Joyce mentioned, in the contract that we have there is a technical assistance component which is the annual now technical assistance stage. And then, there are like 14 or 15 webinars that will be providing technical assistance as well. So, that is where we are.

Now it is up to the Council if that is enough or you want to so, it is up to you.

MEMBER JACKSON-DENNISON: So, it would say, "Continue to"

MEMBER THOMAS: Maybe some of the statistics that she just said that are coming up, and we will just

MEMBER JACKSON-DENNISON: Okay. So, add the statistics. Just recommend that we add the statistics that we are going to be given after the presentation.

MEMBER BUTTERFIELD: And maybe this would be a good time for an official break before the presentation. Can we not take a break?

CHAIR ACEVEDO: It is my advice that you continue. You are not even halfway through, are you?

MEMBER JACKSON-DENNISON: Okay, let's go on.

MEMBER WHITEFOOT: Before we take a break I don't know what we are going to do I just want to go back to the previous one about consultation. I also want to recommend that we call for an update on Education's consultation policy. Or that we recommend an update of the Department of Education's consultation policy.

MEMBER BUTTERFIELD: I would like to add to that, Patsy, not just the policy, but what have all these consultations told us? I think Bill was saying that that is all going to be summarized. So, I think we should talk about what are the results of all of this, the hearings and roundtables.

MEMBER OATMAN-WAK WAK: Should we remove it from the section where we had it further up there, down to this section? Or is it duplicative?

MEMBER WHITEFOOT: No, it is going to be upfront. The last comment was to combine this.

MEMBER JACKSON-DENNISON: Okay. We added that. Let's move forward. We are going backward.

(Laughter.)

MEMBER WHITEFOOT: Well, I thought it was important. I didn't know if we were going to take a break. So, we need to make certain that we got this in here if we are going to take a break.

MEMBER JACKSON-DENNISON: Okay. Let's go to 14. Actually, 14 would be the same as 13, right? And what about 15? Is it still under technical assistance? Fourteen?

MEMBER THOMAS: How about 16?

MEMBER JACKSON-DENNISON: See, we are moving further. All of these, we can hold off until after we get our report. So, 14, 15, 16.

MEMBER WHITEFOOT: But these are all mostly Department recommendations.

MEMBER JACKSON-DENNISON: Okay.

MEMBER WHITEFOOT: All of these.

MEMBER JACKSON-DENNISON: So, 11, 12 through 16 are all Department recommendations. Okay.

The next goal was "Ensure the vitality of indigenous languages and cultures and the health of tribal children."

So, 17, 18, 19 are all related to that goal.

MEMBER WHITEFOOT: I just want to go back to technical assistance. Somewhere I would like to have a report on the technical assistance, particularly the webinars and what is the number of tribal communities that are participating. So, some kind of report back on the technical assistance that is provided.

MS. LEONARD: So, you would include that as a recommendation?

MEMBER WHITEFOOT: Yes, somewhere under "technical assistance". Other than just offering it, what are the results of the technical assistance and identify the number of participants, the type of participants as well.

MS. LEONARD: Right. And did I hear you say you wanted it reported by the next meeting or something?

MEMBER WHITEFOOT: Right. Sure. If it could be reported by the next meeting

MS. LEONARD: Right, an update.

MEMBER WHITEFOOT: Yes, following the standard, technical assistance summary with results

MS. LEONARD: Okay.

MEMBER WHITEFOOT: and the types of participants. I want to make certain we get tribal control people in there.

MS. LEONARD: So, if you give us detailed topics that you want us to address, we will have that for you at the next meeting.

MEMBER WHITEFOOT: Okay.

MEMBER JACKSON-DENNISON: Okay.

MEMBER BUTTERFIELD: Seventeen and 18 that refer to Native languages, both of those seem that they are much more congressional in nature because one deals about government funding, expanding and supporting through funding. I would put that one before the requirement.

And I think we should take out No Child Left Behind and just talk about ESEA. That recommendation would be, when ESEA is reauthorized, that the requirements, I think that still applies, that it be included, actually, in the reauthorization language, that we don't penalize Native language speakers.

So, those both seem more congressional in nature to me.

MEMBER JACKSON-DENNISON: Seventeen and 18 are to Congress. We can still mention it in the letter to the Secretary. Do you agree? Okay.

MEMBER WHITEFOOT: And I suggest moving this item to "raising the profile," to A.

MEMBER JACKSON-DENNISON: I agree.

Okay. That takes care of 18, 19. We are just about done. We might get a break.

(Laughter.)

Oh, 19, we can't forget physical education. Let's go back up. Do you have any changes to that, Sam, No. 19?

CHAIR ACEVEDO: Sam?

MEMBER McCracken: That we include the President's Council. It is called PALA. Are you familiar with that, Jenelle? I don't know what the acronym actually means. So, President's Achievement Leadership Award, and it has to do with physical activity.

Because they did a contest in the BIE schools that we sent one of our athletes to. I can Google it real quick and get the website, so you could reference it. But it is the President's Achievement Leadership Award, and it is for all schools, physical activity in schools. I would include that.

MEMBER BUTTERFIELD: So, our recommendation would be that we would want to make better Native participation in that?

MEMBER McCracken: Yes, I think they work simultaneously with "Let's Move! in Indian Country". So, they would work simultaneously together. So, it is a dual effort to get kids active in schools.

I know it is on the BIE website. I will Google it real quick and get the actual link.

MEMBER Butterfield: Well, so, then, maybe our recommendation should be a little more inclusive, that not just the BIE be included, but that information go out to all our Title VII grantees, so that all our Native students have opportunities to fully participate in that.

So, those would be recommendations to the Department, but the original recommendation, as it is worded, really speaks to a congressional recommendation about the reauthorization of ESEA. So, maybe we need to separate those two things.

MEMBER Jackson-Dennison: Okay. We will have to work on that one.

MEMBER Whitefoot: I also want to make certain that we reference the work that we are doing with the Tribal Law and Order Act again and, also, the SAMHSA, the Substance Abuse and Mental Health Services Administration.

The rationale is to also include Indian country faces a health crisis with, among other illnesses, health disparities, I guess health disparities and trauma in Indian country.

MEMBER Jackson-Dennison: We also need to take Larry Echohawk out.

MEMBER Whitefoot: Right. Just take him out.

(Laughter.)

MEMBER Arevgaq John: This is Theresa.

Is suicide hidden in there somewhere? In Alaska, we see a really I think we have the highest rate of young suicides across the nation. I was wondering if that should be defined in there somewhere or is it hidden under some language.

MEMBER Jackson-Dennison: We can put it in there. Include language on suicide prevention. How do we word that?

MEMBER Whitefoot: Suicide and substance abuse prevention.

MEMBER JACKSON-DENNISON: Okay. We will move on to No. 20. Why does 21 go back to technical assistance? Shouldn't it be back up with the 20 is

MEMBER BUTTERFIELD: Well, I would put it with the language one.

MEMBER JACKSON-DENNISON: Yes. Okay. "Common core standards. To encourage the Council of Chief State School Officials and National Governors Association to consider culture relevancy in the creation of common core state standards and assessments." That was last year's recommendation. Did it happen? Probably not.

MEMBER WHITEFOOT: I heard that nothing happened.

(Laughter.)

MEMBER JACKSON-DENNISON: That was Patsy.

What do we want to do with this one? The core standards are in process. I know we are all working to implement already at the school level in some states.

Comments on this one?

MEMBER WHITEFOOT: I guess I would just urge, again, and also make reference to the American Indian/Alaska Native legislators' report as well and the recommendations that were made by those individuals.

I am just saying that there is a report that was conducted by Native legislators on educational matters, and that we make reference to that as well, to support our recommendation and rationale.

MEMBER BUTTERFIELD: Well, I was a little unclear on this one in terms of who it is going to, because it seems like it is maybe a Department action to encourage the Council of Chief State School Officers and NGA to consider cultural relevancy. But it is just sort of fuzzy. It is like, where do you get the accountability teeth into that?

MEMBER JACKSON-DENNISON: Did this come from I think this did come last year from Theresa. Was this from you?

MEMBER AREVGAQ JOHN: Yes, I believe it was. I believe that some of our students, like in Alaska, they cannot use their indigenous language as a core requirement to graduate from high school. But, then, they can get credit for foreign language, you know, as part of their requirement for high school.

MEMBER JACKSON-DENNISON: Electives. As an elective?

MEMBER AREVGAQ JOHN: And our State has passed culturally-responsive standards in the past, adopted by the State Department of Education, yes, State DOE.

And then, right now, the DOE has hired a Native to develop assessment plans that are in alignment with the State standards. I am wondering if that could be somehow that we include indigenous language or culture as part of the requirement for the high school. For example, if they only offer Spanish or some other language and not Inupiat or Yupik or Athabaskan or Tlingit, that students be given choice to get credit for one of those to graduate.

I am not sure if that is an issue down here. It definitely is up there. Like they don't have Alaska Native history as a requirement. They have American history, but

MEMBER JACKSON-DENNISON: Stacy?

MEMBER PHELPS: I think, from my experience and I can't speak for anywhere else but it seems like the colleges have been more open to accepting Native language as entrance requirements versus the K 12 schools allowing for graduation requirements. I know that sounds odd, but, I mean, I have observed that.

In South Dakota, they have Lakota language where they don't count those necessarily as world language requirements for high school graduations, where schools are really pushing that, where they want them to use Spanish, German, you know, some other language. But most of the colleges have agreed to accept those Native languages meeting their entrance requirements. So, it is a little bit of a disconnect on that K 12 and college entrance.

MEMBER JACKSON-DENNISON: And that is exactly what you are saying happens. It happens in our State, too, where if they take Navajo or tribal language, it is considered an elective; it is not considered it doesn't fulfill oh, it is to fulfill your foreign language requirement. There, again, it is a foreign language considered; it is not a core content.

But what you are saying here is that you would like to see it bumped as a core or at least moved up to be

MEMBER AREVGAQ JOHN: Yes.

MEMBER JACKSON-DENNISON: recognized as a core content.

MEMBER AREVGAQ JOHN: That the indigenous language be considered part of their core in order to graduate.

MEMBER JACKSON-DENNISON: Yes, where the tribe comes in, they only give like the Chief Manuelito Scholarships only go that is where the tribe took control in saying, but the State doesn't say that. So, I don't know.

MEMBER PHELPS: I was just going to ask Susan. She is one of our SOOPs from South Dakota. How do they accept the Native languages?

MEMBER JACKSON-DENNISON: Turn it on (referring to microphone).

MS. SMIT: Stacy, in South Dakota, we do in high schools, you can offer for example, we offer Lakota language and we offer it for graduation. So, you can do that and it can be accepted as part of graduation requirements.

However, the problem is, again, the teachers. I have been advertising for six months for a teacher to fill the position that we have a retiree in, and I don't have one applicant.

MEMBER PHELPS: This is Stacy.

Do they and I am asking her you know, we have those what are those scholarships, the graduation scholarships? Do you remember what I am talking about?

MS. SMIT: For students who go to colleges?

MEMBER PHELPS: Right, our South Dakota

MS. SMIT: Yes.

MEMBER PHELPS: Does that accept the Native languages as a language requirement? Do you know?

MS. SMIT: Yes.

MEMBER PHELPS: Okay.

MS. SMIT: You can use that as a language requirement to a State school.

MEMBER PHELPS: With a scholarship, too?

MS. SMIT: Yes, I believe so.

MEMBER JACKSON-DENNISON: South Dakota Scholars?

MS. SMIT: No, it is for everyone. Yes, it is a State scholar. There just aren't teachers. That is our issue. There just aren't teachers.

MS. SILVERTHORNE: In Montana, we also have the same challenges. There is a recognition of the best recommended language teachers based on tribal recommendation. Sometimes they do not have the same classroom management. There are some concerns. But they are based on the best option for the health of the language, each language, and each language has a different set of criteria that the tribe establishes.

And then, for the school system, it is an elective in elementary; it is a requirement to offer in high school, and they are accepted as college second language.

MEMBER JACKSON-DENNISON: Okay.

MEMBER WHITEFOOT: While we are on this discussion and I am glad that Theresa brought this up it just reminded me that under languages I think that we also need to work to have our Native language be classified under world languages rather than foreign languages.

MEMBER JACKSON-DENNISON: Okay.

MEMBER WHITEFOOT: We need to take steps to do that. I mean, look at the number of languages that are in this country now. Are they really foreign today?

So, because this discussion is about languages, then I would move this up to also with languages and the next one, 21, as well. Move No. 20 and 21 to languages under "raising the profile".

MEMBER JACKSON-DENNISON: Okay. Anything on 21? This we talked about. I think this one can be moved to, just like you said

MEMBER WHITEFOOT: Yes.

MEMBER JACKSON-DENNISON: Okay. We are saying the same thing; I am just a little behind.

(Laughter.)

Twenty-two, "Support funding for higher education serving AI/AN students". Any recommendations on this one?

MEMBER THOMAS: This goes to Congress.

MEMBER JACKSON-DENNISON: This one goes to Congress?

I did have a question I wrote down. It had something to do with I guess it is a question maybe for Bill. Do they have, I guess, the standards? Do tribal colleges and universities have like the standards? Somebody mentioned, and I can't remember who mentioned it in their report yesterday, something about the standards. How are tribal colleges and universities held accountable, I guess is the question.

MR. MENDOZA: Of course, their program monies are certainly held accountable through the funding that they receive from the Tribally-Controlled Colleges and Universities Act and those performance measures there. And then, also, through like Title III funding and the same GPRA measures that we have talked about or some of the basic performance measures that are in place from the Department of Education.

But I think, in regards to the standards discussion, I know that the TCU community is pursuing accreditation standards that better reflect the mission and vision of tribal colleges and universities in the same way that K-through-12 schools are looking to develop alternative measures for success and kind of standards and benchmarks that reflect the missions of those schools.

MEMBER JACKSON-DENNISON: I found my notes. It says, "Do the tribal colleges and universities, do they follow the common core higher college career standards?" is what I have down. That was the question I had. That was mentioned in whose report was it? It was mentioned that

there is I think it was Michael's report when he was talking about the common core higher ed college career standards.

MR. MENDOZA: I don't know the answer to that question.

MEMBER JACKSON-DENNISON: Okay.

MR. MENDOZA: Let me follow up on that.

MEMBER JACKSON-DENNISON: So, that will be a recommendation, that we consider or that we have a report on whether tribal colleges follow Joyce?

MS. SILVERTHORNE: I can tell you that Salish Kootenai College and the other colleges that I am aware of that are tribal colleges follow the same accreditation standards as the other universities, not that they can't add their own for cultural and historical, but they follow the same quality standards as in the other institution, the Northwest Association of Schools and Colleges.

CHAIR ACEVEDO: Just as a note, too, to follow up, Joyce, on that, I sit on the SKC Board. One of the reasons they do that is to make sure that those who want to matriculate on to a four-year university are able to be admitted with those college curriculum courses they took.

MR. MENDOZA: Yes, their status as an institution of higher education is dependent on that accreditation. So, that is fundamental for them to even receive the funding, not only tribal colleges, but institutions of higher education through the Department of Education.

But, as to any college career standards that are out there that the Assistant Secretary referenced, I will find out specifically.

MEMBER JACKSON-DENNISON: Thank you.

MEMBER AREVGAQ JOHN: This is Theresa.

We have one tribal college in Alaska that is based in Barrow. It is a free college. Yesterday we talked about serving all the needs of our students, including the 97 percentile. In Alaska, or across the nation, I support the similar idea to support all the needs of our higher education Alaska Native/American Indian students, as we discuss providing their needs as they go to higher education.

As we face low-income years, especially like a State like Alaska, where it takes thousands and thousands of miles to get from home to the college site, there are a lot of needs on top of just getting tuition. It costs about a thousand dollars to go from a village to Fairbanks, for example.

So, with that in mind, I would like for the Council to consider providing all the needs or supporting the needs of American Indian/Alaska Native. Or is this exclusive for tribal?

MEMBER JACKSON-DENNISON: That is exactly what I am getting at. We have a tribal-controlled college, the first in the nation in a college, or Navajo Community College at the time, but I am thinking I don't want to get too much into it needs to be based on the needs of the community, not so much like we have done in K 12, where we are constantly trying to keep up with the world at large, but those community colleges, in order to attract and I know that is what attracts many of our students there, is to learn the language. And if they haven't learned it in the K 12 system, wherever they have been, then the community college is there also.

That is why I am asking if the core higher career standards, is that driven, or should it be? I am not saying it should be; I am just asking. Is it happening? Or where does it stand? I am just curious. Okay. Thank you.

MEMBER BUTTERFIELD: I think, though, if I am hearing what Theresa is saying, we don't have anything that really identifies the needs that are out there in Indian country for all of our Native students attending higher education. They need to be supported and encouraged. We used to have, within the Office of Indian, a scholarship program. That hasn't been funded.

So, I think that should be one of our recommendations to Congress. I am not sure what happened to that. Maybe you could give us a little more background on that, Joyce.

MS. SILVERTHORNE: To my understanding, it was a fellowship that was funded under our office. That fellowship became the professional development. That professional development is the one that is continuing on.

I don't know that we could administer a scholarship.

CHAIR ACEVEDO: Robin?

MEMBER BUTTERFIELD: I'm sorry, I am aware that historically there were both. There was the fellowship program, but there was also the professional development program.

MEMBER JACKSON-DENNISON: Okay. Thank you, Robin and Joyce. We will follow up with that.

MEMBER BUTTERFIELD: I wanted to make it a recommendation.

MEMBER JACKSON-DENNISON: Okay. Well, make a recommendation.

MEMBER BUTTERFIELD: I mean, it never hurts to ask, but I think that we need to reinstate the fellowship program for Native students. The rationale is that we are always highly under-represented, I mean in a variety of professions, especially in the teaching field, but that we need to have other support opportunities for Native students to go on to college.

I think the part where we are supporting tribal college specifically, I think this should be a separate recommendation that we support our Native students wherever they choose to go to experience higher education.

MEMBER WHITEFOOT: So, it appears the last two bullets need to be a separate recommendation. Is that correct?

MEMBER BUTTERFIELD: Yes.

MEMBER WHITEFOOT: Okay. And then, I want to add another one under that for other higher education institutions.

The second and third bullet need to be a separate recommendation. It would be 23.

MR. CRAWFORD: So, the second bullet goes under 23?

MEMBER WHITEFOOT: Twenty-three, recommendation.

MR. CRAWFORD: Okay.

MEMBER WHITEFOOT: No, you lost it. You lost one of the bullets.

Okay, right. That should be, the second bullet should be its own 23.

MEMBER JACKSON-DENNISON: This is higher education, though.

MEMBER WHITEFOOT: This is tribal colleges and universities, TCUs.

MEMBER JACKSON-DENNISON: Twenty-three is early childhood education.

MEMBER WHITEFOOT: Oh, okay.

MEMBER BUTTERFIELD: Well, that would become 24.

MEMBER WHITEFOOT: Yes.

MR. CRAWFORD: So, remove 23, is that what I am hearing?

MEMBER WHITEFOOT: No, just 23 would become 24.

MR. CRAWFORD: Okay.

MEMBER WHITEFOOT: And 23 would be the last two bullets up there.

Oh, I apologize, I didn't see okay, there you go.

CHAIR ACEVEDO: I believe after we get through this morning, then we will have our afternoon open session, and later this afternoon we will have to do some sort of combination of what we want to synthesize. And then, we have to also, then, do our priorities.

MEMBER WHITEFOOT: So, 23 would be titled, "Recommendation: Higher Education".
Okay.

MEMBER JACKSON-DENNISON: Okay. Everybody follow? Okay.

(Laughter.)

MEMBER WHITEFOOT: And under here, I also want to just add, "Continue funding for Native Americans serving tribal institutions" oh, "non-tribal institutions where significant numbers of Native students attend." "Native Americans Serving Non-Tribally-Controlled Institutions" capitalized up to "Institutions".

MEMBER JACKSON-DENNISON: Okay. I think we are down to 24.

MEMBER WHITEFOOT: I have one more under higher education.

"Communicate and collaborate with community colleges where significant numbers of Native students attend to just learn about their outcomes," something like that.

I mean, there are some good things that are going on in community colleges, and that is one of the locations where many of our Native students attend. They attend the community colleges. In working with high school students, I recommend that they go to community colleges and/or job corps. Community colleges and/or job corps or related entities.

MEMBER BUTTERFIELD: So, question, Patsy. Who is this directed toward? It is not a legislative piece.

MEMBER WHITEFOOT: Right. It is to the Department of Education or the Office of Indian Education.

MEMBER BUTTERFIELD: So, just asking them to gather more data and information for us.

MEMBER WHITEFOOT: Yes. The effectiveness of what is going on at our community colleges and, also, the costs. I mean, Native students are saving money by going to community colleges and so are parents. And quality work is going on.

MEMBER BUTTERFIELD: But the one prior to that, continuing funding, that would be a legislative one.

MEMBER WHITEFOOT: Right, right.

MEMBER BUTTERFIELD: That would be to Congress.

MEMBER WHITEFOOT: Right.

MEMBER BUTTERFIELD: Yes.

MEMBER JACKSON-DENNISON: Okay. Any more on 23?

MEMBER AREVGAQ JOHN: I just have a question. Would the topic of hiring Native faculty be part of this? In Alaska, there seems to be like a freeze on hire. Even though the departments are relevant to indigenous history/culture, sometimes they only hire non-indigenous faculty. I think that is something that maybe in the future, if not now, we should consider as well, that there is a need for Native faculty hire with universities that have high Alaska Native/American Indian enrollment.

MEMBER JACKSON-DENNISON: We can come back to that and look it up and see.

MEMBER WHITEFOOT: Well, I just want to add that in some states we do have formal agreements with higher education institutions. For instance, at the University of Washington, we are very actively involved in the retention and recruitment of Native faculty and staff. We have reports. We have a tribal leaders' summit as well annually with the University of Washington. I know that in Arizona I think that there are similar situations that are set up as well.

So, I think we need to look to those states to gain a better understanding of how they are tracking the goals and initiatives being made by Indian country, all higher education institutions where there are significant Native populations, to address the principles of self-determination and Indian preference.

MEMBER JACKSON-DENNISON: That is a way of putting it. Okay.

I believe we have one more, because we did go through why did we put a disclaimer there? I don't remember.

MEMBER BUTTERFIELD: I also have one to add.

MEMBER JACKSON-DENNISON: Okay. Go ahead.

MEMBER BUTTERFIELD: Since we are moving at some point into reauthorization, I think we have to definitely put forth to Congress that we need to reauthorize and fully fund both the Johnson-O'Malley program and the Title VII program and ensure that they be kept as distinct and separate programs.

MEMBER JACKSON-DENNISON: Does that go here or does it go

MEMBER BUTTERFIELD: It is not under this one. It is a separate recommendation to Congress.

And then, the rationale, that we just describe succinctly what JOM does and what Title VII does. I think even in this little red book there might be some language for that. I will just look real quick.

Yes, there is on page 14, Johnson-O'Malley.

MEMBER THOMAS: I have a paper, not with me, but it is from Akin and Gump. I said I don't have it with me, but I have a paper, the difference between Title VII and JOM. So, we can put that in there. It comes from Akin and Gump that we had working with us. So, I can submit that over.

MEMBER JACKSON-DENNISON: Yes.

MR. CRAWFORD: I'm sorry, Virginia, was that Akin and Johnson?

MEMBER THOMAS: Gump?

MR. CRAWFORD: Gump? Oh.

MEMBER JACKSON-DENNISON: Does that disclaimer belong right there?

MEMBER THOMAS: That is just the closure.

MEMBER JACKSON-DENNISON: Oh, that is the closure? Okay.

MEMBER THOMAS: Yes, that is the closure.

MEMBER JACKSON-DENNISON: We never talked about early childhood. We just had it listed, but we never said anything about it.

MEMBER THOMAS: We found it to be important, but we were tired by then.

(Laughter.)

MEMBER JACKSON-DENNISON: Yes.

MEMBER WHITEFOOT: Well, being a former preschool teacher and Head Start Director, I just want to, I think, make "To advance the goal" I just started a statement here "To advance the goals of American Indian and Alaska Natives, we recommend that Indian education"

MEMBER JACKSON-DENNISON: Cradle to career?

(Laughter.)

MEMBER THOMAS: I was afraid what she was going to say on the other one.

(Laughter.)

MEMBER WHITEFOOT: "That the Department of Education support our goals for lifelong learning from preschool to higher education or adult education."

MEMBER BUTTERFIELD: Well, Patsy, right now, it would be even informative to know what there is out there that the Department has that supports early childhood development for Native students.

MEMBER WHITEFOOT: Okay. So, the Department has, under our discretionary grants, we have the Early Childhood Initiative, the Preschool Readiness Initiative. So, if we could have perhaps a report on what is going on with early childhood.

But, also, this goes back, I think, to language. I think that we really need to work at having some kind of agreement with the Department of Health and Human Services because that is where we receive our Head Start funding, our Early Head Start funding, our child care funding.

In our school districts, where we have collaborative partnerships that are going on between the tribe and the school district, where our tribe is housed, our tribal Head Start is housed at the school district there are some wonderful partnerships that are current. I think we need to somehow capture all of that good work that is going on in early childhood education, because it is that link to lifelong learning.

MS. SILVERTHORNE: Under the Race to the Top Early Learning Program

MEMBER WHITEFOOT: Oh, yes, right.

MS. SILVERTHORNE: there are statewide activities that are being supported. Some may or may not be inclusive, American Indian early learning programs.

There are also the language nest programs that are supported through the Native American Language Act. And we have a program within the Office of Early Learning. So, that interaction

MEMBER WHITEFOOT: Which just began. Which just was undertaken here at the Department.

So, I think we need on our agenda, for one of our agenda items I want to recommend that we have an agenda item on early childhood education and that we get an update from the

Department of Health and Human Services as well as the early childhood component here. I am going to put that on my agenda also for the next meeting that I have started.

MEMBER JACKSON-DENNISON: Great recommendation.

MEMBER WHITEFOOT: Because this is also where the immersion programs are occurring as well. There is just a strong movement in immersion programs and language revitalization going on with early childhood. I am wondering if this shouldn't be included with all of our discussion on language as well. So, move this to the language area.

MEMBER JACKSON-DENNISON: I know we can continue this at a later time.

I would like to recommend that we take a break because I know we have presenters coming on.

What time do they come on? Is it now?

MEMBER WHITEFOOT: Okay. Can I just add one other? It is not to make a new recommendation. I just want to go back to our discussion regarding languages and just make a comment under languages.

I am not sure under the Executive Order if we have the opportunity to make certain that there is increased collaboration with the Department of Education, Bureau of Indian Education, Health and Human Services, as well as Department of Justice and SAMHSA, to examine Native language revitalization and restoration, because that is what we are doing in our BIE schools and in our public schools, but also under SAMHSA we have projects that are going on with language revitalization and culture revitalization as well, as well as we are using this under the Department of Justice resources that we have. So, everywhere we can, we have Native language initiatives going on.

MEMBER JACKSON-DENNISON: Okay.

MEMBER WHITEFOOT: So, I just want to make recommendations, and there are our languages, that we urge their collaboration and reporting back to us what they are doing.

MEMBER JACKSON-DENNISON: Okay. Well, we aren't going to get a break, so just to let you know.

MEMBER BUTTERFIELD: I just have a question, a process question. So, then, do we pass a motion to accept the concepts?

MEMBER JACKSON-DENNISON: Right, right.

MEMBER BUTTERFIELD: Because, I mean, we can't accept it as a full report. It is not wordsmithed or anything at this point. But just the general concepts of the recommendations that we have just put forth.

MEMBER THOMAS: But aren't we still going to combine?

MEMBER JACKSON-DENNISON: Are we coming back to this anytime on the agenda?

MEMBER BUTTERFIELD: We can. Okay.

MEMBER JACKSON-DENNISON: That is why I want to just take a break, but now we are going to have to move right in because I know the Chair has stepped out. So, I will step in for him. We go ahead and not take a break, but we end this session and we come back to it.

Our next presenter is here, and she is on a really tight schedule. So, we are going to go ahead and move right along into the presentation.

MEMBER WHITEFOOT: I have a procedural question before we proceed.

MEMBER JACKSON-DENNISON: Sure.

MEMBER WHITEFOOT: We don't have a quorum, Madam Vice Chair.

MEMBER JACKSON-DENNISON: Okay.

MEMBER WHITEFOOT: All right. Thank you.

MEMBER JACKSON-DENNISON: Thank you.

Our quorum just returned, for the record.

(Laughter.)

So, we are recessing without a break. We are recessing to the presentation that is scheduled. And then, we will come back afterward and resume with the Annual Report and letter to the Secretary, work that we are doing now.

So, I am turning it back over to the Chair.

Thank you.

CHAIR ACEVEDO: Thank you, Deborah.

Welcome.

I understand we are going to take a break, if your presentation is not completed, at 11:45. And Laura Jimenez is going to give us some insight on some things that were discussed yesterday.

With that, please state your name for the record.

MS. WALTER: Very good. Thank you.

I am Fran Walter. I work in the Office of Elementary and Secondary Education, specifically in the School Support and Rural Programs Office.

Some of you I recognize from the last time I spoke with the NACIE Board. I was with you, I think, last year to talk a little bit about the Comprehensive Center Program and what they do and what kinds of technical assistance they provide.

Subsequently, I know you have had a lot of conversation about how can TA dollars that are in the National Activities Fund for the Indian Ed Program be better directed toward serving the needs of Native American and Alaska Native students. You know more than I all the conversations that have gone on about that.

But what I am here today to do and I don't think it will take more than five or ten minutes is to talk to you about how those recommendations that you made and the conversation that you had ended up being folded into our proposal for the new Comprehensive Centers that are going to be awarded at the end of September.

So, I am going to start with that, just to give you a brief overview of that process, and then you will see where this fits in.

The Comprehensive Centers were inaugurated in 2005. And so, this particular group of them has been in business for seven years, almost seven years now.

There are Regional Centers and, then, there are what we call Content Centers that focus on specific areas that are high priority for the Administration. The Regional Centers, as you know, and I am sure you know even if I hadn't told you, are really created in areas across the country based largely on density of population, student population. So, we have a North Central Regional Center. We have a Northwest Regional Center. We have a Southwest Regional Center. And each of those centers, of course, along with several others, serves American Indian issues, address them as a course of their work.

But the way the Comp Centers work is that they really meet with the chief in the state or the chief's designee every year, and they put together a work plan that may or may not at any given point address those issues. The plan is always designed to address the highest-priority needs in the state.

A lot of you might know, for instance, that the Mid-Continent Center, which serves Arkansas, Oklahoma, Kansas, has done a number of really significant programs and outreach with the American Indian community. The Northwest has also done quite a bit. But it is not written down as you must do "X" percentage of this.

So, that is the framework for the Comp Centers. The existing Comp Centers are about to go out of business. We this summer will be doing what we call a competition, again, for new Comp Centers. And so, we will put out a notice inviting applicants, and the applicants will have about 60 days to respond. And then, we will do a peer review and we will get the best applicants awarded. Again, we will have Regional Centers and we will also have Content Centers, the way we do now.

So, this comes to the discussion that you all have had about what to do with that National Activities money that you really wanted to see focused specifically on issues that affect Alaska Native students and American Indian students.

And so, what we have worked on, again, working with Laura and Jenelle and Joyce we have had many conversations is we are going to use a model that we have used with the Office of Special Education in the past, and it has worked really well. What the Office of Special Education has

done is they have put a certain amount of funding toward three Content Centers. They do that right now. And then, we have language in our application that says, if you apply for this Content Center, you need to propose work that specifically focuses on the needs of special education students and their teachers and leaders that will be proportionate to the amount of money that you are getting.

So, again, just to keep that example out there, right now, the Center on Teaching Quality from the Comp Centers gets a million and a half dollars. From the Office of Special Education Programs, it gets a million dollars.

And so, when I work with the Teacher Quality Center, I make sure that in their plan that they propose in any given year that a certain percentage of their work is really devoted to issues of special education teachers.

Now, clearly, a lot of issues that affect all teachers also affect special education teachers. So, it is not really this harsh dividing line where over here is this and over here is this. But it really has done an incredible job of raising the consciousness of the Teacher Quality Center about what some of the more refined or specific issues are that affect special education.

So, we are kind of using that model to work on this issue of how do we get the needs of American Indian and Native Alaskan students more specifically addressed. So, what we are proposing to do is to take it was a million dollars, and I think with the rescission it is down now to like \$930,000; I don't remember the exact number of this National Activities money and put it in the three Regional Centers where the highest number of Native American and Alaska Native students are.

And so, we went to the Program Office, and they were able to give us the statistics about where are they located. And then, we did that match with the regions that we are proposing.

And so, what we are looking at is putting about \$330,000 into each of those Centers and, again, saying in the application, if you are applying for one of these Centers, you need to propose work that will address the needs of this population in a proportional amount. We don't know exactly what the budget for each of these Centers is going to be from the Comp Centers because those numbers aren't really finalized yet. But you can kind of calculate that their budget from the Comp Center program will be about a million and a half dollars, in some cases maybe \$2 million, in some cases a little bit less.

So, then, this \$330,000 on top of that, we will really expect them to be proposing work that is proportional to that amount of money that will really focus on these issues that you have identified as being important.

That is probably not a very satisfying answer, I would think, to some of you, having listened to your conversation. I know that there was some conversation about trying to have a specific Center that focused purely on the issues for Alaska Native and American Indian students. And I don't know if you care what I think, but I am going to say what I think, anyway.

I think that what you are getting for this money is the Comp Center structure, which is really pretty sophisticated. It is a pretty broad network. There is a lot of cross-collaboration across Centers. There is a whole infrastructure part of a lot of these applicants that will really be brought to bear on this work. I think that that is the tradeoff for not having a Center that is specifically devoted to the issues that you identified.

Because if you take a million dollars, or in this case, as I said, it is really \$900,000-some, and you put it toward developing a Center, there is just a big portion of that work that comes off that is infrastructure, getting the Center organized, getting it up and running, having it have a place to be.

And then, you are really looking at it trying to serve the nation, and serving the nation with less than a million is a very challenging task. So, in my own mind, having worked with the Comp Centers for the last five years, I think that this strategy of really giving it to the places where the most kids are, and giving it to organizations that already have the infrastructure and holding them accountable for what that work will look like, is probably a more effective strategy in terms of getting return on your dollar.

So, that is the extent of my presentation. I would be happy to entertain any questions that you have.

CHAIR ACEVEDO: Thank you, Fran.

Robin?

MEMBER BUTTERFIELD: Yes, thank you, Fran.

You didn't tell us which geographic regions you were going to put this out for.

MS. WALTER: Right.

MEMBER BUTTERFIELD: I have got two suggestions.

MS. WALTER: Okay. I said to Jenelle I wasn't sure how much I could talk about that because the notice inviting applications is not out yet. It is still going through clearance. So, I can tell you what we are proposing.

It would be basically I just turned the page away. It won't surprise you. It is the region where Oklahoma is, and that is going to be called the Central Region, Northwest, and what is the third one? Just a second. I thought I had it here with me.

MEMBER BUTTERFIELD: Southwest?

MS. WALTER: Southwest. Thank you.

(Laughter.)

That makes perfect sense. So, the Northwest Region will include Alaska. The Southwest Region is basically Arizona, New Mexico not New Mexico but Arizona and, anyway, yes, the Southwest Region is probably good enough for now.

MEMBER BUTTERFIELD: So, I have a couple of questions.

MS. WALTER: Okay.

MEMBER BUTTERFIELD: One is, in this competition, I know all the labs and centers have advisory boards.

MS. WALTER: Right.

MEMBER BUTTERFIELD: Well, I worked at Northwest, and I knew they did. Can you ask that they include some American Indian representation on those advisory boards?

MS. WALTER: I think that is a really good idea. The advisory board language is statutory, but it doesn't exclude anybody. It says we have to go to the chief of the state and get recommendations from the chief. But I don't see any reason why that couldn't be a part of what we are recommending.

MEMBER BUTTERFIELD: And/or probably "and" that these initiatives have some kind of an American Indian/Alaska Native consultative recommendation, I mean body that they actually go to.

Because when I worked at Northwest Regional Lab, we had our own policy board

MS. WALTER: Right.

MEMBER BUTTERFIELD: in addition to the main board.

MS. WALTER: Right.

MEMBER BUTTERFIELD: And I am also aware that there has been a history of some collaboration across these three Centers. I am not sure if you would designate one kind of a lead. I just feel like, if you don't have a lead, the coordination doesn't happen. But it would be a nice idea to have them talk to each other and kind of divvy up the work.

I can see like one Center would do a certain kind of a webinar. I mean, if we can't have a National Center, can we build in some infrastructure that would give it sort of a collaborative national feel?

MS. WALTER: I am assuming another benefit of that would not being duplicative about what is going on. So, you are not doing this here and the same thing here and the same thing here, when they could be capitalizing on each other.

And again, I think, though, because these are Cooperative Agreements and that is, again, another kind of technical term that we use but when we do a grant with a Cooperative Agreement on top of it, it gives us at the Department much more interaction with the grantee. And so, these are the kinds of things, as I said, once we work through the statutory requirements and we work through the regulations, then our level of involvement is in the Cooperative Agreement. And certainly, there is no reason that we couldn't do that with these three Cooperative Agreements and call for specific collaborative activity. So, that is really a great idea.

Any other questions or comments?

CHAIR ACEVEDO: Patsy?

MEMBER WHITEFOOT: Yes, I also have a question. I guess I have a recommendation that we also take into special consideration the Northwest role with Alaska, simply due to the vast land and terrain covered in Alaska and the numbers and uniquenesses of the diversity of tribes in the Northwest as well. We have various sizes.

But I just want to take into account Alaska. I know we recommended a standalone center for Alaska, but we are talking about transportation issues, weather issues, and the villages, et cetera. We need to make special consideration for that work that will go on, if the Northwest is successful.

MS. WALTER: Right. I hear what you are saying. One of the issues that we always struggle with is sometimes, because our statute says that the funding gets proportioned by where the kids are, you end up with these vast geographical areas where there aren't, relatively speaking, a lot of students, and then the needs are still very high and the money is low.

And then, the challenges of getting there, I mean, even if you are not talking about Alaska, which is an extreme case, just the whole Northwest. When I talk to the people who do technical assistance up there, they spend a lot of time on the road just traveling. Then, that is not even to mention the puddle-jumpers all through Alaska and all of that.

So, I understand what you are saying. I don't know that we have a financial way to address it.

CHAIR ACEVEDO: Patsy?

MEMBER WHITEFOOT: Well, and then, also, the Executive Order on the President's consultation policy, we also need to take that into consideration as well because this is where some of those issues come up. We are recommending that the Secretary's education consultation policy also be updated in the new Executive Order that we have here in the Department of Education. So, we do need to seriously take a look at those consultations that have been provided by tribal leadership and, also, the policies I referenced.

CHAIR ACEVEDO: MaryJane?

MEMBER OATMAN-WAK WAK: Thank you for your presentation.

MaryJane Oatman-Wak Wak.

I guess, for our report, it would make a recommendation to the Secretary to ask for an increased appropriation for the Technical Assistance and Comprehensive Centers to meet these needs.

I appreciate what you said on behalf of the Department of Education, how it makes kind of things easier. But we have had experience with specific Centers around parent technical assistance through the National Indian Parent Information Center that did a stellar job with sole outreach within Indian country.

I would further like to know, what is the data pre- and post-National Indian Parent Information Center of the number of Indian parents through the Regional and the other Centers that are serving them. I, based on my experience within all of the communities across the nation, can predict that the numbers of Indian families served when there was not a National Indian Parent Information Center significantly declined.

MS. WALTER: I hear what you are saying, and I don't have any quarrel with that. I think one of the issues with the Comprehensive Centers is that their mission is to work with State Education Agencies. They are not a parent center. I mean, that is just a basic cross-purposes kind of thing.

So, I didn't mean to imply that no national center could be effective. I just meant that a National Technical Assistance Center that hopes to serve this really broad range of activities, in my mind, is not as effective as trying to put it where there is already some structure.

CHAIR ACEVEDO: Follow-on, MaryJane?

MEMBER OATMAN-WAK WAK: And just to follow up, I understand that concern. But we don't have Comprehensive Centers where it is just kind of at the whim of the researchers and the staff at the Centers. Not every Center is going to have a Steve Nelson like McREL has or a dedicated staff like Ruby Paul at Northwest.

Unless it is specifically designated that that is a part of their scope of services and a specific allocation goes to those services, it just might not happen. I have had experience of working with these Centers as a State Department of Education employee, and I can say that the level of fidelity to the Indian communities through these State Department of Education agencies still has a lot of growth.

MS. WALTER: Well, and I think what we are hoping with this is that, because we are going to be very specific about that obligation it is still not a lot of money, but at least we will be very specific about what you are obligated to do with this proportion of funding.

CHAIR ACEVEDO: Theresa?

MEMBER AREVGAQ JOHN: Yes. Good morning.

MS. WALTER: Good morning.

MEMBER AREVGAQ JOHN: I would like to support Patricia's recommendation in reference to Alaska. The difference is that it is geographic difference, and we have a very limited road system. There are 200-some school sites that do not have road systems that are tribal schools or tribal villages. Having that accessibility would strengthen the relationship, the education, the preparation of our teachers that will fulfill the needs of our students.

In terms of the cost-effectiveness, it will really condense the amount of it will increase the proficiency and, also, condense the amount of problems that these administrators that need to keep up with training their people and providing proficient technology assistance to their constituents.

Thank you.

CHAIR ACEVEDO: Robin?

MEMBER BUTTERFIELD: Yes, I also neglected to suggest that, if at all possible, there be some Indian preference in terms of some of the work that is done by those Centers.

MS. WALTER: Thank you.

CHAIR ACEVEDO: Thank you, Fran. thanks so much. Thank you.

MS. WALTER: All right. You are welcome.

MEMBER BUTTERFIELD: One more thing. I also just want to say thank you, you know, that you really listen to us and you took some input and you actually are doing something that we can see that is different. So, I appreciate that very much.

CHAIR ACEVEDO: Microphone, please.

MS. WALTER: We need to watch what happens because we are projecting, as I said, based on our experience with OSEP, that this is a good model. It seemed very workable. We have tremendous growth in understanding and knowledge about how to do technical assistance for a more specialized group. So, it is our obligation to keep track of how this works, and we will report back to you.

MEMBER BUTTERFIELD: Okay. Thanks.

MEMBER JACKSON-DENNISON: I just want to emphasize, too, that I was just going to request that we have a report back to NACIE about the outcomes of these Technical Assistance Centers as they move forward.

MS. LEONARD: Mr. Chair?

CHAIR ACEVEDO: Jenelle?

MS. LEONARD: I was told that Laura and Dennis and the program attorney were going to be here. Oh, okay, they should be in the room in a matter of minutes.

CHAIR ACEVEDO: All right. I am still not letting you go, Council.

(Laughter.)

MEMBER WHITEFOOT: Mr. Chair, while we are waiting for these individuals to walk across the street, I just want to go back to the recommendations that we are making, that we really need to pay attention to the reauthorization of ESEA and these Technical Assistance Centers, just given what we have learned, that the primary goal is to work with the Chief State School Officers. I think we need to make certain that we are putting some of the language that we shared earlier this morning about we need to advance the principles of Indian self-determination as well in the Technical Assistance Centers.

MS. LEONARD: Jenelle?

MS. SILVERTHORNE: Patsy, the Comprehensive Centers fall under the Technical Assistance Act. And so, I would just suggest that that would be where you would address it. I mean, you can address it under reauthorization as well, but the Comp Centers fall under the Technical Assistance Act, which has expired, too. And it is up for reauthorization as well.

MEMBER WHITEFOOT: So, just clarify that we include language in the appropriate regulations or acts that we need to, such as the Technical Assistance Centers, too.

MS. EICHNER: Hi. I am Jill Eichner from the Office of General Counsel. Nice to meet you all.

And Laura Jimenez I know wanted to be here also, but she got held up with something.

So, I just wanted to make a really quick clarification about something that came up yesterday during Michael Yudin's remarks. There was a question regarding the State of Arizona, I believe, and the Native American Languages Act.

I just wanted to let you all know that this is an area in which anyone can certainly write in a letter to the Assistant Secretary. There is a new Assistant Secretary. You can get the address and all that from our folks.

But, certainly, the Department is interested in the issue. Federal preemption law is a very complicated area. In some instances, federal law preempts and in others it doesn't. So, it is not a clear-cut issue.

But the Department is interested and would like to know the facts of the situation involved, whatever documentation or facts that anyone has that they would like to present. And then, the Office of Elementary and Secondary Education can pursue this or refer it to the appropriate office.

And that's all. Any questions?

CHAIR ACEVEDO: Questions?

MEMBER JACKSON-DENNISON: So, in relation to that, what about Executive Orders? I am not a lawyer. I have assisted as a lawyer, but I am not. I think about how the purpose of Executive Orders, the purpose of acts such as the Native American that was just an example, the Native American Language Act.

What is their purpose if states don't have to comply due to their state laws? That is the question that is more I mean, I understand, and I have to recall what we went through back in 2004, thereabouts, with the NOLA. And I remember legally we pursued it. It came down to the mere fact that

there were no teeth in the language. It was just subnotes down there at the very bottom that were written by the Attorney General at the time, Napolitano.

But, still, in accordance with the State, they kept saying that or the footnotes, I guess is what they called them but the two-thirds vote by the State is what we had to go by.

But in looking at other acts or Executive Orders, why do Presidents do them if states don't comply in the sense where it relates to Indian children? That is the question really.

MS. EICHNER: Okay. Well, I can explain in the context of a lot of our education statutes have funding to states or to school districts with requirements attached. And yesterday, the IDEA was raised about special education children. The states accept that money, and in doing so, have to comply with those requirements.

There are other larger laws, such as under the Constitution, if you had a civil rights claim, for example, there doesn't need to be any funding attached or anything because it is the Constitution. But, for the most part here with the Education Department, we deal with our funding statutes with requirements attached.

And then, all those enforcement mechanisms that someone referred to with special education, for example, come because they have to comply with the federal law or else they lose that money. They could say, "No, we don't want the money," but every state wants the money.

So, that is kind of a simplistic answer. Sorry.

CHAIR ACEVEDO: Any other questions of Jill?

(No response.)

Thank you.

With the Council's permission, we will give you a break for lunch until 1:30, when we will have our open public input.

Thank you.

(Whereupon, the foregoing matter went off the record for lunch at 11:48 a.m. and went back on the record at 1:38 p.m.)

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1:38 p.m.

CHAIR ACEVEDO: We have a quorum for this afternoon's session of the National Advisory Council on Indian Education, May 3rd, 2012.

We are now in that part of our meeting where we have public testimony be delivered to us.

Who do we have on the list, Debbie?

Okay. Let's open with NIEA. Colin?

MR. KIPPEN: All right.

CHAIR ACEVEDO: And please state your name for the record and your affiliation.

MR. KIPPEN: I will.

CHAIR ACEVEDO: Thank you.

MR. KIPPEN: Thank you.

My name is Colin Kippen. I am the Executive Director for the National Indian Education Association. I am also assisted here today by Dr. Dawn Mackety, who is the Director of Research and Policy at the NIEA.

I have some materials I would like to hand out, Mr. Chairman. May I hand them out to the members?

CHAIR ACEVEDO: Yes, please do.

MR. KIPPEN: Dr. Mackety will be coming around with the materials.

I have really two items to present to you today. The first item is a page and a half of prepared testimony.

Again, I am Colin Kippen. I am really honored to be here before this Board and, also, before some of the previous members of our NIEA Board. On this Board, you have three former Presidents and our former Vice President. And I really am honored to be here today.

My testimony is really based upon my experience working in the bowels of the federal, state, and tribal governments over the course of my life. What I have learned is that we have an incredible opportunity before us in the form of this Executive Order that the President signed last year in December. We at the NIEA were involved in doing that work, and we at the NIEA are incredibly hopeful and optimistic about what this Executive Order signifies.

My theme today is really simple. Great ideas and great plans must be funded to succeed. The President's bold and decisive action to issue this Executive Order is really only the first step. For it to be successful, we have got to budget and allocate funds for it to achieve its purpose. To do any less is to make a promise we can't fulfill.

Let me paint a clearer picture for you about what I am talking about. EO 13592 substantially expanded the previous EO commonly referred to as WHITCU, the White House Initiative on Tribal Colleges and Universities. Where WHITCU was intended to address the needs of tribal colleges and universities and of 30,000-plus students who attend those institutions, this EO contemplates addressing the needs of American Indians and Alaska Natives from cradle to career across all strata of the education spectrum.

In the higher education arena alone, 30,000 WHITCU students has now swelled to 250,000 students attending private, state, and community colleges. The inclusion of the entire K 12 spectrum adds an approximate 750,000 students. The inclusion of 24 to 39-year-old American Indians and Alaska Natives, who President Obama has identified must be college- and career-ready by 2020 to return this nation to its preeminent economic status, will add approximately another 500,000 students.

A conservative estimate of everybody now falling within the scope of this EO is 1.5 million students. When compared to the 30,000 students under WHITCU, that is an increase of 4,900 percent.

This EO contemplates a role for NACIE, one which cannot be fulfilled if you don't have the resources and if this EO initiative does not have the resources to carry this forward. In order to realize the full potential of this strategic relationship between the NACIE Board and this initiative, I

would ask that the following questions be included as requests for information for the Department of Education from NACIE. I would also ask that NACIE request that these questions be formally answered in writing as soon as possible, but in no case no later than its next scheduled meeting. So, here are the questions:

What is the total budgeted funding for this EO compared with the total funding for the previous WHITCU EO; the AAPI EO; the AEH, the Academic Excellence for Hispanics EO; the Historically-Black Colleges and Universities EO?

I would also like that we have common data points created for each of these things, for each of these different EOs, and that the data be reported, so that you could see them compared one to the other, one EO compared to the other.

The other thing that I would like is that we do it for this fiscal year and for next fiscal year. That is the first question. Of course, the reason I am asking that question is because I think there ought to be parity of funding, and that when you bump up your responsibility 4,900 percent, you need to see an appreciable increase in resources because the failure to have those resources will severely handicap whether or not this President's vision will be accomplished. So, that is the first question.

The second question: what are the total number of full-time employees budgeted for this EO versus the WHITCU EO, the AAPI EO, the Academic Excellence for Hispanics EO, and the Historically-Black Colleges and Universities EO? The same idea again.

You have all of these EOs. We ought to be able to look and compare them across the board, so that we can see whether or not this EO is being adequately funded, given its mission and given its intent.

And the last question: will all of the resources from this WHITCU, the White House Initiative on Tribal Colleges, be transferred over? And again, I would like to see a chart that lists it, that shows the WHITCU present staffing versus this EO's present staffing.

That concludes this portion of my testimony. I also wanted to just give you a very quick update on what the NIEA is doing. I have included for your review an NIEA brief. What this brief really does is it lays out who we are and what we are up to.

As you could see, we have basically got three things that we are working on: advocacy, research, and capacity-building. Of course, there is a really key relationship between all of these.

When you advocate for policies, what you know always occurs is that people will ask you the skeptic's questions: what is your proof? You say that this is what we need to do to improve Native education. What is your proof? Without proof, we are always in an extremely difficult position.

So, we have formulated advocacy points, but we have also begun to really strategically move in the direction of providing research that will answer those questions about whether or not the points that we are making, the policy points that we are suggesting, are, in fact, supported by research and data. Our preliminary finding is that they are.

Finally, the last part of this is that what we are engaged in is capacity-building because it is one thing to be able to advocate for a set of policies; it is another thing to be able to do the research to support that advocacy. But, finally, we need to be able to build the capacity at all levels within our tribal colleges, within the universities that serve Native children, within our tribal schools and our tribal education departments, and also within public schools where the vast majority of our students are being educated. Approximately 94 percent of them are being educated in state public schools. So, there really is a need to increase the capacity for us to be able to address their needs.

I am not going to belabor this because I know I am running out of time, Mr. Chairman. But if you look on the second page of this, you will see our legislative agenda. It is laid out there. It has not changed over the years. You have heard about this before from us, and I will not go into that. But I will take questions from you, if you have any questions.

Finally, I have included the Executive Order as well as a summary of it again, it is good to have that before you, so you could see what the work is that we need to accomplish as well as the White House memorandum on tribal consultation because that was an earlier set of initiatives that framed how it is we would have these conversations.

It is really clear, if you watch Mr. Mendoza and his team in terms of how they are doing their work, they are following both the spirit and the letter of the law in terms of how they are attempting and are, in fact, conducting these consultations with our leaders and with our educators.

Finally, we get to the back, and you will see it. There are some young men there that are performing. You see the picture. It says, "Research".

We have two pieces of information there that we have done. One of them is just a snapshot on the condition of Native education. What we have done is summarized a lot of the information.

And the final piece there is about the role of culturally-based education to improve student outcomes. Because if anyone were to ask me, and I think our members, what it is that is the most important thing about the kind of education system that we want for our children, we want one that is aligned with the culture, the language, and the values of our Native students.

And so, this document summarizes the research, and that research demonstrates that culture-based education in the presence of strong curriculum, in fact, is effective. And the research demonstrates that.

May I just take a couple of minutes more or should I end?

CHAIR ACEVEDO: Go ahead.

MR. KIPPEN: Okay. The last thing I want to bring to your attention is that we are having a convention in Oklahoma City October 18th through the 21st. Unfortunately, I made a mistake when I came up here today. I did not bring enough of these flyers. But I do have some flyers that I would like to hand to some of you. I really do apologize that I don't have enough for all of you to have one.

But, Dr. Mackety, Dawn, would you hand these out to folks who want them? I am going to have to keep one, so that I have something to talk from.

But what we have done at the National Indian Education Association is we have tried to become really clear in terms of what it is we are doing to make it easy for people to participate with us.

This is actually termed the Sponsorship Guide. But if you look at the front of this, there is a logo that has come to us from our local planning committee comprised of Oklahoma Natives, Oklahoma Indians who have joined with us in planning this convention that is going to occur.

In it, there are a number of things that we are doing to try to increase the opportunity for people to participate. I would really recommend and hope that you would come to our convention in October.

This concludes my presentation. I am very thankful to be here, and NIEA pledges its support to work with you in a collaborative and helpful way, and, also, to work with the Department of Education in a collaborative and helpful way to make good things happen for our Native children.

Thank you.

CHAIR ACEVEDO: Thank you, Mr. Kippen.

Questions from the Council? Sam?

MEMBER McCracken: Sam McCracken.

How are you today?

So, I was looking at your statistics.

MR. KIPPEN: Yes.

MEMBER McCracken: And I just had my assistant back home send me some statistics that are in a report that we did from Nike. We show obesity rates for our youth at 32 percent higher than the national average, and dropout rates are at 23 percent higher than the national average.

Knowing those statistics, in your data there is nothing talking about physical activity for our kids. If they are not physically active in school, the chances of them being physically active at home are at a lesser rate. So, I was wondering if that is a priority for your organization and, if so, how are you going to incorporate it into your information as you go on the Hill?

MR. KIPPEN: Well, the first thing I would like to do is invite you to our convention. I would like to invite Nike to participate with us in Oklahoma City to really bring that relationship to fruition.

At the NIEA, what we advocate for is really a holistic approach to education. A holistic approach is one that really understands that health and wellness is absolutely crucial to be able to live a healthy life and, also, to be able to care for yourself and for your family.

In the past, what we have done is and I know you have participated in the past we have had runs. We have had physical activity, which has been part of our convention.

The way that our conventions work is that it is a joint partnership between our local planning committee and our Board. I know that there are activities that are being planned in the future. But the fact that you have asked this question has really highlighted for me, and also for the local planning committee, that we need to include physical activity.

I can tell you that I am well aware of these statistics. I am diabetic. My brother is diabetic. My father, before he passed, was diabetic. I come from a long line of diabetics.

Physical health to me is really crucial. It is why I care for myself. It may have actually improved the quality of my life because I know that, if I didn't do that, if I wasn't physically active, that I may not have as good a life as I have now.

But we think it is absolutely. If you look at what we do, what we present at our conventions, we have people who literally take this very holistic approach. They will be talking about family engagement. They will be talking about health. They will be talking about technology and the role that it plays.

So, I think it is a good question, and I will carry that back to our Board and to our local planning committee as well, to assure that there is

MEMBER McCracken: I think our approach from our Council we discussed a lot today is we have to assume that people that are going to read this information don't know the nature or the state of our communities today. And so, what I would encourage is, as we know that the mathematics and reading statistics are all very relevant, this Council has advocated on that behalf. All I would recommend is that, if you can put some statistics in your information, that is going to assimilate out to people who don't necessarily because you are the advocate on behalf of our kids.

I have been to your conference, and I have supported your conference for many years, and I will continue to do that. But that is mainly an adult environment.

As we look upon that next generation of people who are going to run your organization, we have to inform people who don't know the state of our communities today, the nature of the environment, and the challenges our kids wake up with. Whether they affect them or not, it is the nature of the community.

I think that is the thing that I always advocate on when I share the information, is this might not affect this particular student, but he grows up in that environment, and the statistics don't lie, right?

MR. KIPPEN: Yes.

MEMBER McCracken: It is data that is proven. So, all I would encourage you is, if you can put those rates in your information that you are sharing with Congressmen on the Hill and show that holistic approach to the wellness our kids, because that is our future. That is our future. That is what the next Executive Director of NIEA, whoever, that is the future.

So, all that stuff, that was only my recommendation.

MR. KIPPEN: Thank you. A good recommendation.

CHAIR ACEVEDO: Thank you.

Deb?

MEMBER JACKSON-DENNISON: Thank you, Mr. Kippen.

I also have a question regarding the research you have and just a simple question under your public school enrollment, you list several states. I know that Arizona is up there, but I am wondering why that isn't listed. Did we lose our students somewhere?

(Laughter.)

MR. KIPPEN: What we did is we provided you with a snapshot of what we did, actually. And I have to let you know that I brought Dr. Mackety primarily just to meet you, but she is our researcher. She actually just spent the last week in Arizona at the First Things First Conference, trying to assure that early education in Arizona would include Native students. She has a lot of work that she does.

This may not be the most recent set of data that we have because we are constantly refreshing it. It appears on our website at niea.org. If you go to our website, we frequently freshen it. So, I am not certain why that did not appear.

Dr. Mackety, would you like to respond?

This is, I am really happy to say, Dr. Dawn Mackety. She is from the Odawa Band of Indians. She handles our research.

DR. MACKETY: Thank you.

Arizona is very high in the proportion of Native students who are in the State. However, it didn't make the top five. It is actually like sixth or seventh in the list.

MEMBER JACKSON-DENNISON: I guess I am thankful for the answer, but at the same time I am thinking, if we are to use current research, coming from a research background, too, myself, using the most current research, and if we want to use something like this to go ask for certain legislation, you want to have it more spelled out. I would hope that Arizona would be on there. But I guess, in accordance with the top listings, it didn't make the top five.

DR. MACKETY: Yes. There is actually a Native education brief on our website. It is a four-page document that has those statistics that you are asking for. Just for the purpose of this brief that was put together here, this was just kind of a summary of that.

CHAIR ACEVEDO: Stacy?

MEMBER PHELPS: Hi. I have a question for you.

On this one, it lists status dropout rate. So, is that what you are equating is the dropout rate for American Indians in the country?

DR. MACKETY: That is a good question because the status dropout rate is one of many definitions of dropout. There are at least five that are used on a regular basis. The status dropout rate is a rate that includes students who are in BIE schools and non-public schools. So, that is one of the rates that we use because it is more inclusive. However, it is also based on the Census, the American Community Survey, and then the Current Population Survey. So, they are estimates.

The common core of data, which has a much more accurate number of students, doesn't include students in BIE and non-public schools. So, that is why we go with this one.

MEMBER PHELPS: Because I am looking at a report from Education Week, and it lists the high school graduation rate for Native Americans as 51 percent.

DR. MACKETY: Yes, that is the Cumulative Promotion Index. That is a different definition. That is a definition that counts students who are promoted.

There are a couple of requirements. They need to be promoted from 9th to 10th, 10th to 11th, and 11th to 12th. It also requires an on-time graduation with a diploma; whereas, the status rates include other credentials such as the GED. The Cumulative Promotion Index is much more strict. That is why it is more difficult for students to reach that one.

It also is very sensitive to transfer students. So, students who transfer out of a school don't get counted in those rates for the Promotion Index. That is why those numbers are lower. We have a lot of mobility with our Native students.

MEMBER PHELPS: Yes, I understand. So, it is three times different?

DR. MACKETY: Yes. Yes, and that is just a factor of various definitions. Another issue is some of these definitions only count one grade; whereas, others will count all four grades, 9 through 12. So, there is a variety of issues with those definitions.

MEMBER PHELPS: I can't believe, based on the state and the employment rates and everything else in Indian country, I mean, I would like to believe, but I can't believe that you are saying the dropout rate is 13 percent, with 70 and 80 percent unemployment. I mean, I know you have factored it somehow, but I know in South Dakota and we are one of the top five I mean, our dropout rate for BIE and public together ranges closer to 60 and 70 percent.

DR. MACKETY: Now, with the status dropout rate, that goes up to ages 25. So, that does count students who have gone back after high school to get a GED or another alternative certificate. So, that is something to be taken into consideration when looking at that number.

CHAIR ACEVEDO: Robin?

MEMBER BUTTERFIELD: Just a comment. I think, Dawn, it might be helpful, because I agree with Stacy this could be misleading for people. It sort of understates the issue. And so, without an explanation that you just gave us, people are going to say, "Oh, wow, things are really great now." So, I think there should be maybe in here an explanation of the actual data and how it was compared, yes.

DR. MACKETY: That is a good question because I recently did a workshop in Phoenix. It was the Native Tribal Dropout Prevention Conference. My topic was exactly this issue of different

definitions with our graduation dropout rates, and we went into the details. And so, having just done that conference and hearing these questions here, I definitely will make sure we get that done.

MEMBER PHELPS: Well, and more importantly oh, sorry more importantly, if I or somebody was taking this on the Hill, there is no way a staffer or a congressional person is going to understand the math like you just gave on how rates are computed and not computed, moved in and out. I mean, that is just my opinion.

MEMBER PHELPS: Deb, follow-on?

MEMBER JACKSON-DENNISON: I agree, and that is exactly my point about the number. Although you are telling me Arizona is not in the top five, I understand that, but, as we have heard in previous presentations, Arizona is the largest recipient of Impact Aid. And so, it doesn't add up to, if somebody on the Hill were to say, "Well, Arizona is not even listed here. How do they have the largest number of Impact Aid recipients in their State? Why is that the largest number?"

So, the issue he is bringing up as well as this one I am talking about, it is really important to give further detail, I guess specificity, to what is going out. Because NIEA is looked at as, especially with your leadership, research that we depend on. If you are going to put research out, it needs to really reflect accuracy as far as and I am not saying it doesn't; I am just saying that, for the pamphlet, the 101, I think this is a good example of what you all put out that is really important. But for the person who doesn't understand and you go and you end up arguing a point like that that doesn't really add up, it just makes us look ridiculous when we are trying to ask for something to better the quality of education.

CHAIR ACEVEDO: Virginia?

MEMBER THOMAS: I just wanted to make a comment here. You didn't make the top five according to how she calculated it. That is the problem, because there was a different calculation on how she established these statistics. You probably were the top one or two. Do you see what I mean? So, there is some discrepancy there.

Maybe this is the point to where we need, as NACIE, to work closer with you and with the department heads, that we come in sync with each other, that we are stating the same things. So that, when we give our report, that it doesn't conflict with your report or the report from the Department.

Because we can back each other up. That is the only thing. We are all on the same page. We all have the same children, and we can't fight over the child here because that is who we are trying to protect. But we just need to make sure that we are on the same page and that we have the same type of statistics.

And so, when we go on the Hill, that we could take your statistics, we could take our statistics, take our tribal or state statistics, and they all kind of match to where we can show them this is how it is.

And we will move you up to one or two.

(Laughter.)

MR. MENDOZA: Mr. Chairman, if I may?

CHAIR ACEVEDO: Yes, Bill, go ahead.

MR. MENDOZA: I just kind of want to speak to, I had the privilege of attending Dr. Mackety's session there in Phoenix. And there wasn't quite, I think she would agree, the analysis of that and the response to it. I was kind of like buttoning my lips. Knowing that these issues are underlying, I wanted to kind of see what the response from practitioners was.

I think that misunderstanding is relevant for not our average, if you will, practitioner or even our decisionmakers. You know, full understanding behind these different measures is essential, and especially when we are talking about articulation of the need and the challenges facing our communities, that maybe selection of these different measures doesn't necessarily articulate.

But we also face the challenge of just that burden of responsibility, whether it is Department of Education or Interior, NCES, NIES, you know, that these are not articulating the added value of what we are doing as educators as well.

And so, I think some of this transparency and data kind of gets at answering some of those questions. Yes, if we looked at it through CPI and that way, we are not doing so great. But if we look at it through these other measures, and we incorporate our efforts in adult basic education, career, technical education, we are making a lot of headway.

Because, at the end of the day, when we talk about the numbers of doubling college graduates in the past 40 years and increasing graduation rates through tribal colleges by 40 percent in that same span, we need to do a better job of describing that context. And so, we are really particularly interested in this from the initiative standpoint as to, what is the true impact all the way from our Census numbers to the kind of outcome measures that we are dealing with right now?

CHAIR ACEVEDO: Any other questions from the Council? Patricia?

MEMBER WHITEFOOT: I do have a question, but I will end with my question and follow up with some of the comments that were made here.

I just want to point out, to what Sam said, if we are going to add anything on health and wellness, I think we also need to include some of the substance abuse issues, too, that our students face. We do have some of that data from the work that we are doing with SAMHSA.

Because I think our rationale is to take a look at the whole child and not just the academic achievement level of students, but also their health and well-being indicators as well. So, that would be just one suggestion that I would have.

I do have a question, though, about legislation. I would appreciate it, because you are the advocacy agency or institution or organization I'm sorry that pays attention to legislation that is going on on in the Hill. So, I am just curious. We have just completed our preliminary report and we will be taking action on those recommendations that are being made to Congress, but I would like to hear from you about the pertinent legislation that may be impacting American Indian and Alaska Natives and may have detrimental impact on our communities.

So, I just would like to have an update, if that is okay, Chairman. I don't know how many people are here to testify.

CHAIR ACEVEDO: Well, you know, if we can keep it brief because some of you I know are planning to leave.

MEMBER WHITEFOOT: Right.

CHAIR ACEVEDO: And we will have a real chance of losing our quorum. And you have yet, as a Council, to prioritize your 25 recommendations. So, with that in mind.

MEMBER WHITEFOOT: Right.

MR. KIPPEN: Okay. Just a real quick overview then. So, what is going on now on the Hill is that it is pretty quiet on the education front for the time being. As you know, there was a flurry of activity at the beginning of this President's election. There was a conversation about finally getting around to reauthorizing No Child Left Behind.

The health legislation moved before that, and there were some other initiatives that sort of took priority. And then, what has occurred is that in the House they are introducing a bunch of small bills, in the House committee, the Ed and Workforce Committee.

In the Senate, they have one No Child Left Behind draft which came out of the Education Committee, chaired by Senator Harkin.

We also have another draft that was written with the assistance of NIEA, USET, United Southeastern Tribes, and the National Congress of American Indians. That is called the Native Class Act. That passed out of the Senate Committee on Indian Affairs.

So, long story short is you have got a bunch of little bills sitting over in the House Ed/Workforce Committee that have not yet made it onto the Floor, and you also have a couple of bills, one sitting in the Senate Committee on Indian Affairs and another one sitting in the Health, Education, Labor, and Pensions Committee that is chaired by Senator Harkin from Iowa. Those two bills are just sitting there in both of these Houses. They are not moving.

The big thing that is going on right now, as you folks all are probably well-aware of, is the budget. I don't know if you received an update. But, as you know, there was a process where the Congress was supposed to substantially cut the budget or else automatic cuts in the amount of \$1.2 trillion, or \$600 billion on the defense side and \$600 billion on the domestic programs side would be cut over the next 10 years, beginning next year in January.

So, that is the reality. I have had a conversation with you this morning, and we were talking about 18 to 20 percent cuts. We are not sure exactly how that is going to go.

I can tell you the economy will play into this. The election will play into this. There are a lot of factors, that really I can't even begin to handicap, if I were making a wager on which horse is going to win. So, I just can't even begin to figure out how that is all going to play.

But the National Indian Education Association has comments on the budget. We also have some comments that we are making they are not on the Hill, but they are in the consultations that are occurring with Bill Mendoza and that the Executive Order Initiative is conducting, as well as some listening conferences that are now being held in Indian country. So, we have some comments that are being prepared for that.

I don't know, Patsy, if that gets your answer. My sense is that where we are now is we are getting ourselves ready. Because once this Congress comes back, things are going to roll very quickly.

So, we need to literally now marshal our resources, get the information out, get ourselves organized. Because when that train starts to move, it is going to move quickly. That will probably be March, April, May of next year, and it will move very quickly.

As you know, they will drop the budget the second week in February. So, that is going to be another item that is going to move at the same time.

So, I would just recommend to all of you to get back to your communities and to let them know that we really need to get involved on education and we need to get involved now.

Come to our legislative summit, which we have in February. Come to our convention, which we have in Oklahoma City this year.

MEMBER WHITEFOOT: Can you give an update of the Alaska Native education?

MR. KIPPEN: Yes. Well, there have been a couple of bills passed by Representative Kline in the House. In those bills, he has stricken from two of them the Alaska Native programs under Title VII of No Child Left Behind. He has also taken that same clever to the Native Hawaiian programs.

We actually had a strategy. Don Young, we had a conversation with Don Young to prepare for that bill making it to the Floor, but, so far, it has not made it to the Floor. It is sitting in his committee. It has been passed out of his committee, but no action has been taken on it.

My sense is, when it does come to the Floor, we need to rally Indian country and our allies who support Native programs to step up and to kill those provisions or to strip those provisions. The same thing with the Native programs.

I know that, if it gets over into the Senate, I know you can count on the Hawaii delegation. They have always worked to make sure that everybody is treated equally on those. So, they will move to strip those as well.

But, again, it is really hard to predict at this point how that is all going to play out, but I guess it is sufficient for our purposes to say that is not a good trend. That is not a good direction they are heading in over in the House. So, we need to stop that when those bills move.

CHAIR ACEVEDO: Deb?

MEMBER JACKSON-DENNISON: Okay. One last question or request of NIEA. I know you are heavily involved in following what is going on here locally with the Congress. You talked about the sequestration, the cuts that are set to hit in January if reauthorization doesn't happen.

I would just like to request of NIEA to help the schools in Indian country that are going to be hit with this, because it is going to be a 9.1 percent deduction. It is going to hit our schools heavily that receive Impact Aid.

We were here a couple of weeks back on the Hill. It was, like you said, very slow. But just keeping the education part of it with this type of literature constantly going would help us greatly, because I don't know how we are going to fund schools. Some of our schools are going to have to shut down if this really does happen. That is H.R. 1342.

CHAIR ACEVEDO: Thank you very much.

MR. KIPPEN: Thank you.

CHAIR ACEVEDO: We appreciate your testimony and answering the questions of the Council.

With that, I would like to have Mr. Les Monro come forward.

MR. MONRO: First of all, I want to let you guys know I really take my hat off to you guys for the work that you are doing and the President appointing Mr. Mendoza to work out of the White House.

You know, in the Bush Administration, there was an Executive Order. I sat back there today; I thought all these chairs should be full back here because the work that you guys are doing is so critical to Indian country. I take my hat off to every one of you. I see your commitment.

I think a lot of people in Indian country really don't believe that this is happening because there was an Executive Order during Bush's Administration. We heard about it; it just died. But President Obama I think just made all the right moves, putting a guy like Mr. Mendoza in to work with him at the administrative level, then to appoint a committee like you guys.

I have been here two days. I have been listening to what you guys are saying. I seen you guys operate this morning in your business meeting. You guys are professionals, truly, truly professionals.

I want to thank you guys. Some of your recommendations are really bold, I will be honest. I don't know how much boundary you guys are going to have with the Administration, but there are really some good, bold moves that you guys are doing.

I am just hoping more Indian people would see the work that you guys are doing because it is really, truly honorable, and it is for our kids, our kids who we serve. They are our customers, and they are first. Without that, I wouldn't even have a job as a school employee. So, our kids are very, very important.

Again, I can't tell you guys how much I appreciate the work that you guys are doing. I am glad that I was able to come. I thank you guys for inviting the NESAB Board to come and make a presentation to you guys. I like what you guys are saying to eliminate what is that in New Mexico yes, equalization, because that is a killer in Indian country.

The Supreme Court went with the State of New Mexico and they lost. The Indians lost in the Supreme Court. The only way it can be changed is through congressional legislation. To me, that is really a bold move that helps us, helps Indian schools in those equalized states. I really thank you guys for that.

I like the part that Indian tribes have more say in state when it pertains to Indian education. Because a lot of times they just think, well, they are an Indian reservation; they get their own money. You know, they are not part of our program.

But to really made education grow and be positive in Indian lands, everybody has to come together; what's best for our kids on the reservation?

You know, we work with the U.S. Department of Ed. We our hats off to them because they do a lot. We have our own department over there which is the Impact Aid Program. They do their best to get the money out to us, but I know they get caught up with that money not being moved over to the Department of Ed, so they can make their payments. I know for a while one of the issues why our payments were late was because they didn't have enough people to take care of the needs of our people.

But, overall, I just really thank you guys for what you are doing. I am glad I came to listen to you guys, and I thank you guys for looking at Impact Aid and some of the business stuff you guys did today. You know, you are going to be talking for us. I do really, really, truly appreciate that.

Again, I thank you guys. I've got nothing bad to say about you guys.

(Laughter.)

CHAIR ACEVEDO: Thank you. Before you do, thank you very much.

(Laughter.)

MR. MONRO: But I do really appreciate what you are doing. I believe you have listened to our story. Because Impact aid, our school district and public schools on the Indian reservation totally depend on every penny that comes to our school district, so that our Indian kids can be educated to what money can buy.

You know, one of the things I would like to see is Impact Aid be fully funded. It has never been fully funded. That is 60 percent. If it was fully funded, you probably won't see an Impact Aid school coming bothering anybody, because there is a great need, and we just don't have the money.

Like the gentleman said and what you guys said, if this sequestration goes through, if it happens, we are going to be in big trouble. I mean, it is going to be terrible.

Browning, we have got 1800 kids, but we have a setaside for emergency. But there are schools like Rocky Boy, Pryor, Hays, Montana, Frazer, Montana, these are small schools. Every penny they get you know they are 100 percent LOT schools, but they are small, and every penny they get,

and they are telling me less please let this be known. If that sequestration happens, we might not have money to even start school because we aren't going to have money to hire teachers. This is a serious thing.

And I really thank you guys for what you are doing.

Mr. Mendoza, he came to our meeting at our NAFAS conference here. And I think we are building a relationship.

I am glad that this Executive Order has teeth this time with a group like you guys.

Thank you guys again. I appreciate all the hard work that you guys are doing. And I thank you guys for letting NESAs have a voice in your meeting. Thank you.

CHAIR ACEVEDO: Thank you, Mr. Monroe.

I would like to call Sharon sorry, it is my reading and your handwriting here your last name, Nose. Thank you so much.

MS. NOSE: Hi. My name is Sharon Nose. I come to you from Arizona, among the San Carlos Apache.

I am here on behalf of my children. I guess now my grandkids are in that school.

But just last week, I was talking to my superintendent and he was asking me the Impact Aid funding, that we might last three more years if sequestration were to come about. Because we have to think about our kindergarten building now, which is deteriorating now. We also have to rely on our Impact Aid monies for our classified staff, our buses, computers.

It is just like for our State we can't rely on our State anymore because we are getting budget cuts. Like I was doing my budget report two nights ago and I was thinking, oh, gosh, we had 10 cuts; now it is up to 14 cuts. We used to have a \$10 million budget; now we are down to only 6. So, to make up that difference, we are having to use our Impact Aid monies.

I just want to also mention what Debbie said, that it is the same thing for us.

My Assistant Superintendent is also here. She has a lot more to say on this.

Thank you for giving me the time.

CHAIR ACEVEDO: Thank you, Sharon.

I would like to have Catherine Steel come forward, please.

MS. STEEL: That means "howdy".

(Laughter.)

That is what my husband tells our grandkids.

But, anyway, we are from San Carlos. San Carlos is located in the southeastern part of Arizona. There in San Carlos we have, I was estimating, about 2,000 students that we serve, and that is on the low side of my estimation.

Because we have two school districts on our reservation. One is San Carlos and one is Ft. Thomas. So, I guess in the past there was a lot of strategizing done by the State of Arizona. So, many of our students went to border towns.

And so, Ft. Thomas is a border town. What that community wants to do is they want to move their elementary school to their neighborhood. And so, I think they are falling short on facilities funding. So, on their behalf, I would like to extend a request that you keep them in the mind. The name of the district is Ft. Thomas. There are many wonderful Apache-speaking children there.

All of our requests that we are making are on behalf of our children. We have children that still need to learn. We have children that are in poverty, like I heard you talk about. We have children that are understanding the language, but they do not speak it.

So, on our reservation, because of cable TV, I think that our languages are being lost. Our children are exposed to more of the English language than they are to the Native language. So, that is what is happening on our reservation.

But, prior to cable, which came around about the eighties and nineties, maybe late eighties, I remember watching MTV with my own teenagers. They are adults now. But, anyway, right around that time, the cable came in, and the next thing we knew, our children were speaking mostly English.

But the home environment is still Apache. The adults speak Apache. Grandparents speak Apache. The community basically is speaking Apache.

But our graduation rate is at 62. Many years ago, I went to a high school where it was 99 percent. So, it was very disappointing for me when it was 62 percent. But that is an increase from like three-four years ago, when we had it at 57 percent. And we didn't make AYP because of that.

But we are moving in the right direction to increasing that to 62 percent in San Carlos. We are collaborating with Arizona State University, and this year we will have 10 graduates from the College of Education. And so, they will be dual-certified in special education and in the regular education. So, we are doing capacity-building, and we will have 10 more teachers.

We are going to start another program, but at this time it is in the planning stage. But it is wonderful when you collaborate with people, but it takes money. This is where Impact Aid comes in.

We cannot increase the quality of education for our children unless we have funding. With these 10 percent cuts all across the board, I believe that it is the children that are going to pay, not us adults, but the children.

I was at a conference last week. Some of you might have made it there, too. But I heard Geoffrey Canada speak about education, today's education. He did mention the diabetes. Like, you know, when you go to McDonald's or the movies, I guess his example was the movies. You go and order a regular soda. And what do they say? "For a quarter more, you can get here an additional several ounces." So, our kids are doing that.

And in return, our children are gaining a lot of weight. Diabetes is rampant on our reservation also. And so, our children are really not learning to eat that well.

But I agree with you that that needs to be addressed. Early childhood does need to be addressed. We have a program that Save the Children has with his we collaborate with them, too where we serve children, babies while they are still in the womb. We have individuals or staff go out and work with mothers-to-be. We also continue to serve them for the next two or three years. And then by that time, they end up in our preschool.

Our preschool is small, but we also have San Carlos Head Start, where we serve about 200 young ones there. I understand they are going to take a cut, too. So, I am not quite sure if they know it yet, but it will hurt the whole community of San Carlos, the educational community of San Carlos.

So, that is what I have to state to you today. I agree with Les Monro that I am glad you recognize NESAs. We are members. We are also members of NIEA, as well as the National JOM. We support education, and we support all 10 members. I think I counted 10. Is there 10? So, I support all of you.

I know it is hard work. It is dedication that puts you here. So, continue the good work.

Thank you.

CHAIR ACEVEDO: Thank you.

Any questions from members of the Council?

(No response.)

Thank you.

Deb?

MEMBER JACKSON-DENNISON: I just want to thank Catherine and Sharon and Les, and all the others, but especially Catherine and Sharon because they at the last minute decided they would come this way. You know, they felt it was very important to come, and their Superintendent, Dr. Fuller from San Carlos and White River, the Apache community out there, and sending them here to at least see and make the comments is well worth it, I believe.

Thank you.

CHAIR ACEVEDO: Thank you all for testifying before us today.

With that, there being no others testifying, I will close the session, the public session now, and we will go back to our work session.

Joyce?

MS. SILVERTHORNE: During the lunch hour, I had the opportunity to run back over to the office. I have a brochure. We have been able to confirm that it is all right to pass it out to the NACIE members.

This is an invitation to the NIES session that will be held in June. This will be June 27 to 29. It is the Workshop on Training and Technical Assistance for Database Seminars and Research on American Indian/Alaska Natives Student Database Training.

They have some slots available. The information that you will see on the website had a deadline of May 4. That could possibly be extended to May 15. They will, in fact, support comparable to a scholarship, support people to come and attend.

CHAIR ACEVEDO: With that, I would like to take the Council back to our recommendations. I urge you and I am going to have Debbie handle this part of the meeting again to prioritize, one, the report that goes to the Hill and, two, prioritize the items that you want to send to the Secretary, with the understanding that we are going to have Alan recast this, so that we think it flows easier and assures readership of the document. I think in both instances we intend, as the Council, to attach this full document to whatever cover letter or executive cover letter that we send off.

With that in mind, Debbie

MEMBER JACKSON-DENNISON: Go ahead, Robin.

MEMBER BUTTERFIELD: It is kind of a process question. Maybe we will have enough time to get through all of the prioritizing. I had been prepared earlier to make a motion to accept the content of what we created because some of this is more massaging the flow and the order. Would that be appropriate, so that we don't lose that?

MEMBER WHITEFOOT: I second the motion.

MEMBER JACKSON-DENNISON: Yes, I think that would be appropriate, but I would like to at least finish. We left off early childhood, as you recall. I would like to get through that piece first, and then go back and do the if that is okay with you all. I really don't want to lose that train of thought on early childhood, plus a couple of other recommendations we forgot to make.

So, let's do that first. It was at the very end. I think it was No. 25.

MEMBER WHITEFOOT: No. 25.

MR. CRAWFORD: I believe there was a recommendation to move it.

MEMBER JACKSON-DENNISON: So, was it moved?

MEMBER WHITEFOOT: Right. Yes. Up to "raise the profile".

MEMBER JACKSON-DENNISON: Oh, okay. Oh, you did the changes already. You are really on top of it. Thank you.

(Laughter.)

CHAIR ACEVEDO: Thank you, Jason.

MEMBER JACKSON-DENNISON: There were some recommendations made from NIEA in there. I would like to add those in there. Let me find that letter, the second page of Director Kippen's letter. The first one I had written down, also, that I did not think of until he reminded me.

But the recommendation is and I think this would go to the Secretary, I believe would be to fund, yes "Please create common data points for each of the EOs, so that the numbers may be easily compared and understood across the EOs." Basically, to fund Executive Order 13592 would make it more doable for us to implement, as leaders of Indian country.

The other recommendation, I don't think it goes necessarily under early childhood. I am not sure where it would go, but it would be to fund this would be the Secretary again but to fund our NACIE organization, to give us a budget. I am not sure what that budget would be. So that we can continue to do our work that we have been asked to do and so that it is not left off when they are doing these cuts as well that are happening left and right, it seems. So, I don't know where that would go.

Mr. Chair, I don't know what your thoughts are.

CHAIR ACEVEDO: I think that one of the things that made a lot of sense is that we are looking at the scope of the EOs, the requirement of our Council, as a consequence of what that funding should be to adequately meet that need.

Secondly, an additional burden that is placed on Joyce's office, the number of FTEs that she needs to be able to fulfill the EO that the President has signed.

I am like all of you. I don't have any direct numbers. I just know that I thought that part of NIEA's suggestion regarding getting the other DOs that apply to the other folks, the parity number, is certainly a jumping-off point I think that gives some sort of across-the-board indication of where others are funded at like levels for like obligations.

MEMBER JACKSON-DENNISON: And not only just Joyce's office, but also Bill Mendoza's area. So, I don't know what that figure would be, but I think there needs to be something, when we send it to the Secretary, that it needs to be realized that you shouldn't be expected to do things without a budget. I don't know how you are going to get through implementing the Executive Order without having the budget in place.

MEMBER WHITEFOOT: I would also add in NACIE's role with that, not just Joyce and Bill, but NACIE's role with this.

MEMBER JACKSON-DENNISON: Right. It is not up there.

MEMBER THOMAS: I just wanted to add to it, that when we ask for the budget, a review of the budget, or a budget increase for this, that we should be asking for it, because we are the only ones that can ask to do this.

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: But I think, like Thomas said, we should be very methodical in laying out all of the expectations and how can we carry out these things. So, I think it doesn't matter how long this report is, but I think that is the most essential portion, is the budget, to what we are asking for. So, we should lay out exactly all the different things that are asked of us, asked of this office, and how are we supposed to accomplish this, if we don't have that budget.

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: So, I think we should find out, maybe with either Jenelle or Joyce's assistance and Bill's assistance, to get it bulleted out

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: so they can see it readily.

MEMBER JACKSON-DENNISON: Can we ask that, your help, or is that telling us?

MEMBER WHITEFOOT: And I suggest a budget as well.

MEMBER JACKSON-DENNISON: That's my question.

MS. LEONARD: We can provide budget details, but anything that you request and, then, you can build from the amounts that we provide. So, we can tell you exactly what is right now, and then it will be up to the Council to figure out what the increase would be, whether it is 5 percent, 10 percent, 15, 100 percent, whatever. But we can give you the base numbers to work from.

MEMBER JACKSON-DENNISON: And the same from Bill? Can we do the same?

MR. MENDOZA: Yes, that is correct, because we do fall under different organizations under the Ed organizational structure.

MEMBER JACKSON-DENNISON: Right.

MR. MENDOZA: I believe, is OESE under the Deputy Secretary? Yes, under the Deputy Secretary. And then, my office and all the initiatives which were referenced in NIEA's testimony fall under the Office of the Under Secretary.

MEMBER JACKSON-DENNISON: Okay. So, that is going to require some work again.

MEMBER THOMAS: It is, but I think it would be well worth it

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: because we need to clarify.

MEMBER JACKSON-DENNISON: Virginia

MEMBER THOMAS: You can't hear me.

(Laughter.)

You have to realize whoever is reading this, if congressional people look this over, they won't know.

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: Robin's statement: they don't know what they don't know. I love that. I am going to put it on a T shirt. But it really is the fact.

We have to be able to spell it out, get it down in there, so that we could reference it in the future and say, "Now how can you cut us when we showed you?" So, we can argue our point not only with the Secretary, but within Congress, when we give this report.

MEMBER JACKSON-DENNISON: Okay. That would be the rationale.

MEMBER BUTTERFIELD: Can we title this recommendation it shouldn't be a bullet up there; it should be a recommendation "Parity of funding for the Executive Order on Indian education"?

MEMBER THOMAS: Yes.

CHAIR ACEVEDO: Different spelling, Jason.

MR. CRAWFORD: I T Y?

CHAIR ACEVEDO: I T Y, yes.

(Laughter.)

MR. CRAWFORD: I'm sorry, would you mind repeating that?

MEMBER BUTTERFIELD: "Parity of funding for the Executive Order on Indian education". And then, all those bullets, then, would go under that.

MR. CRAWFORD: Excuse me. All the bullets are

MEMBER BUTTERFIELD: The bullets from where you started with "Recommendation from NIEA," those would go underneath that.

MEMBER WHITEFOOT: I would like to just add one more under there, that American Indian/Alaska Native Title VII program funds continue to be funded or increase the funding levels for these essential programs. This is in response to the information shared by Mr. Kippen about Alaska Native Title VII programs being slated for cuts.

Maybe it should be prioritized. I don't know if we want to prioritize, if we could really prioritize. It would be just any program, I would think, that would impact American Indian/Alaska Native programs.

MEMBER BUTTERFIELD: Yes, I thought maybe we could handle that one under the legislative piece that talks about Johnson-O'Malley and Title VII.

MEMBER WHITEFOOT: Oh, okay.

MEMBER BUTTERFIELD: I think that bullet would fit under that to clarify that those programs should be funded, because I think that is the way we worded it.

CHAIR ACEVEDO: There it goes, yes. It does fit there. He is good. He is better than good.

(Laughter.)

We need that parliamentary procedure. Okay.

MR. CRAWFORD: Excuse me. May I ask for a clarification for the highlighted one? I believe you said, "fund the NESIE organization" or "NIECE"? I didn't catch the acronym.

CHAIR ACEVEDO: NESIA. What is NESIA's full acronym.

MEMBER JACKSON-DENNISON: NACIE.

MR. CRAWFORD: Oh, NACIE? I'm sorry.

MEMBER JACKSON-DENNISON: NACIE sorry. I didn't say it. It was you with a Navajo slang.

(Laughter.)

Okay. So, are we through with the early childhood portion? I don't remember doing that.

MEMBER WHITEFOOT: You were busy.

MEMBER JACKSON-DENNISON: Yes.

MEMBER WHITEFOOT: It went quickly. It was just before the break.

MEMBER JACKSON-DENNISON: I know. Okay.

So, now I think we need to go back and start prioritizing.

MEMBER WHITEFOOT: No, no.

MEMBER JACKSON-DENNISON: Oh, okay. I'm sorry. Go ahead.

MEMBER BUTTERFIELD: Yes, I would like to move that we accept the content of the recommendations, even before we reprioritize them, so that we get the Board on record as having accepted those.

MEMBER JACKSON-DENNISON: Okay. There is a motion from Robin to accept the content.

MEMBER WHITEFOOT: I will second it, and I do have an amendment with final approval to be made by June 30th, 2012.

MEMBER JACKSON-DENNISON: Okay, seconded by Patricia with an amendment to your motion. Do you accept that?

MEMBER BUTTERFIELD: That's fine. We can talk briefly about how that approval would occur if we can't reconvene?

MEMBER JACKSON-DENNISON: Yes, I think that needs to be

MEMBER WHITEFOOT: Discussion, then.

MEMBER JACKSON-DENNISON: Last year discussion, then, okay.

The way we handled it last year, if I recall, Alan emailed it out and we gave our thumbs-up or thumbs-down, right? So, did we give authority? Is that what we have to do?

MS. LEONARD: No, because I think the Subcommittee still has work to do.

MEMBER JACKSON-DENNISON: Okay.

MS. LEONARD: Yes. So, I think there will be a couple more Subcommittee meetings before you turn it over to Alan.

MEMBER JACKSON-DENNISON: Virginia?

MEMBER THOMAS: Point of order. After the Subcommittee deals with this, don't we have to give some kind of authority by action over to Alan to do this?

MEMBER JACKSON-DENNISON: He is mainly working as an editor, right?

CHAIR ACEVEDO: Yes.

MEMBER THOMAS: Yes, that's what I mean, but we are giving it to him, on our behalf, to do that for us.

MEMBER JACKSON-DENNISON: Yes, and I think he is not a member of our Subcommittee. Okay. We can appoint him a member of the Subcommittee to do the editing. That is what we did to Greg.

(Laughter.)

Okay. Do we have a motion to add we have a motion on the floor. So, let's vote on that.

It's getting late. We are all slap-happy.

(Laughter.)

Okay. Motion on the floor. Any more discussion?

(No response.)

Okay. All in favor say aye.

(Chorus of ayes.)

Anyone opposed?

(No response.)

Okay. The motion carries, and the content has been accepted.

Now we need to go and do we have a motion to add Alan Ray to the Subcommittee to work on just appoint him? Okay. Okay. Well, I will just appoint him. Okay. I will appoint him. Okay. You got it.

MEMBER WHITEFOOT: I would like to volunteer to work with Alan on that.

MEMBER JACKSON-DENNISON: Okay. We will appoint you as a volunteer.

MEMBER WHITEFOOT: On the Subcommittee.

MEMBER JACKSON-DENNISON: Make sure you wear your cast.

(Laughter.)

MEMBER BUTTERFIELD: Yes, I am also willing to do some editing, too. I think the reason I feel like maybe some other people who have been part of the discussions could help him.

MEMBER JACKSON-DENNISON: Right.

MEMBER BUTTERFIELD: He may be confused on some of the stuff that is here.

MEMBER JACKSON-DENNISON: I agree. I agree.

And then, we would need to meet, I am sure, as a Subcommittee to review it. Jenelle is suggesting a couple of times, I think. Okay.

MS. LEONARD: The reason I am is because you have a lot of bullets that you need to flesh out,.

MEMBER JACKSON-DENNISON: Right.

MS. LEONARD: Or someone needs to take responsibility for fleshing them out and bringing them back to the Subcommittee to make sure that you all are in agreement.

MEMBER JACKSON-DENNISON: So, we will arrange those dates with you?

MS. LEONARD: Yes.

MEMBER JACKSON-DENNISON: We don't have to do it now?

MS. LEONARD: Yes.

MEMBER JACKSON-DENNISON: Okay.

MS. LEONARD: Oh, you could do it now if you want.

MEMBER JACKSON-DENNISON: The dates? Okay.

MS. LEONARD: I mean if you are looking at your calendars. I will just set up a conference call for you.

MEMBER JACKSON-DENNISON: I think we should set the date today. I mean to set the date for the future, make that decision today, so that we can make certain it happens, because, otherwise, on June 30th, we will be calling each other trying to I think it should be ready, yes, by the mid part of June, not to wait until the end. The end of May even.

So, today is May 3rd.

MS. LEONARD: Could we ask Jason to put a calendar up there

MEMBER JACKSON-DENNISON: Sure.

MS. LEONARD: so that you all can see what you are working with for the month of May and June?

MEMBER JACKSON-DENNISON: May 24th you are open? That is my high school graduation.

MEMBER BUTTERFIELD: Well, wouldn't we want to work on this right away while it is still fresh in our minds? I think maybe even by the end of the next week or the week after that.

MEMBER JACKSON-DENNISON: Next week would be fine with me.

MEMBER THOMAS: Next week is that

MEMBER JACKSON-DENNISON: Oh, that's right. What date is that?

MEMBER THOMAS: The 10th and 11th.

MEMBER BUTTERFIELD: How about have a meeting on the 9th? No?

MEMBER THOMAS: The 14th is better for me. I already have a conference call on the 9th.

MEMBER JACKSON-DENNISON: The 14th will work for me if it is in the afternoon because I have all my staffing meetings in the morning. Okay.

Mark May 14th. What time? You are two hours ahead of me. So, it would be, I would think, three o'clock Eastern time?

MS. LEONARD: Right. Three? Do you want it two hours?

MEMBER JACKSON-DENNISON: Two hours should be enough, huh?

MS. LEONARD: Two hours, 3:00 until 5:00?

MEMBER JACKSON-DENNISON: Right, 3:00 to 5:00.

MS. LEONARD: Okay.

MEMBER BUTTERFIELD: And if we could get these notes, we could do some work beforehand.

MR. CRAWFORD: You will have them probably tomorrow.

MEMBER JACKSON-DENNISON: Okay.

MS. LEONARD: Any other dates for the Subcommittee? Additional?

MEMBER JACKSON-DENNISON: The 22nd should work for me. In the afternoon again?

MS. LEONARD: The same time?

MEMBER JACKSON-DENNISON: Uh hum.

MS. LEONARD: Okay. So, what I will do is I will set up a meeting planner. I will send a meeting planner out to you for these dates, the same time, and the conference call number.

MEMBER JACKSON-DENNISON: Okay. I have that down.

Anything else?

Now we can prioritize. Okay, we will prioritize.

I think I want to trade places with you.

(Laughter.)

Okay. We will go back up. How do you want to do this? Have two documents going, one for the letter, one for the or would it be three documents?

MEMBER WHITEFOOT: I'm sorry, I am going to have to leave here. I wanted to make a recommendation for our next agenda time we meet.

MEMBER JACKSON-DENNISON: Okay. That goes back to the Chair. She wants to do something off what we are talking about.

CHAIR ACEVEDO: Patricia?

MEMBER WHITEFOOT: Yes, I would like to make a recommendation that we follow I don't know if we need to make a motion or anything, but I want to just make a recommendation that we follow the same format that we established for this meeting with a report by Bill Mendoza and Joyce Silverthorne right up at the very beginning and a budget update, including I think we also made the recommendation that we have the Department of Interior, BIA representative to follow up on the Executive Order, as well as including, under Joyce's report, the Technical Assistance Center updates. I would like to propose an Early Childhood Education Initiative similar to what we did with Impact Aid, but to focus on early childhood education initiatives.

I don't know if I can make this motion now, but to move that our next meeting, whenever it is going to be, that we work to coincide it with the National Congress of American Indians, similar to what we did last year.

CHAIR ACEVEDO: With no objection from the Council, we can certainly include those as agenda items for the next meeting, and any other suggestions from members of the Council that you would like to submit to the DFO. She can get that and include that as agenda items. So, with that understanding, okay. Good.

MEMBER WHITEFOOT: Thank you.

CHAIR ACEVEDO: Next, a request, that would probably be in the form of a motion with respect to the next meeting date. So, the Chair will entertain a motion on that. Go ahead, yes.

MEMBER WHITEFOOT: So, I move for our next NACIE meeting to be held in conjunction with the National Congress of American Indians. I believe it is in October or November.

CHAIR ACEVEDO: Location?

MEMBER WHITEFOOT: In Lincoln, Nebraska.

MEMBER WHITEFOOT: October 21st through the 26th in Sacramento, California.

CHAIR ACEVEDO: Oh, Sacramento.

There is a motion on the floor to hold our next NACIE meeting in conjunction with NCAI, which is dated October

MEMBER WHITEFOOT: Twenty-first to the 26th in Sacramento.

CHAIR ACEVEDO: In Sacramento, California.

Is there a second to the motion?

MEMBER OATMAN-WAK WAK: Second.

CHAIR ACEVEDO: Seconded by MaryJane.

Discussion?

MEMBER OATMAN-WAK WAK: Just for the record, on the discussion, that our last meeting that we held in conjunction with NCAI we had the highest turnout of tribal leadership going on record in testimony. I think it is a very good practice for us to meet them in existing venues where they have those large turnouts.

CHAIR ACEVEDO: Thank you.

No further discussion?

(No response.)

Hearing none, I call for the question.

All those in favor of the motion signify by saying aye.

(Chorus of ayes.)

All those opposed, same sign.

(No response.)

Hearing none, the motion is carried.

Virginia?

MEMBER THOMAS: I have a suggestion on prioritizing, since we have an expert at the computer over there.

(Laughter.)

If we could just cut the one, two, three, just the top portions and put them all on one page? And then, instead of going through the whole document, just highlight the initial statement to what those are, what the priorities are, and then we can just prioritize from them instead of flipping through everything, trying to do it.

I am sure, if we take a five- or six-minute break, he can cut and paste and get it on there for us.

MEMBER BUTTERFIELD: Can I add to that?

CHAIR ACEVEDO: Go ahead.

MEMBER BUTTERFIELD: I think the first cut should be Department/Congress.

MEMBER THOMAS: No, I don't mean cutting. I mean just so we can see, and then we can cut from there.

MEMBER BUTTERFIELD: Yes. Well, I understand what you are saying. Rather than move the whole section right now, just put the

MEMBER THOMAS: Right.

MEMBER BUTTERFIELD: title of what it would be

MEMBER THOMAS: Right.

MEMBER BUTTERFIELD: the recommendation title.

MEMBER THOMAS: Right.

MEMBER BUTTERFIELD: But what I am saying is the first pass should separate those two content areas.

MEMBER THOMAS: Oh, yes. I agree.

CHAIR ACEVEDO: All right. Jason, do you understand?

So, we will take a 10-minute break.

MEMBER PHELPS: We are about to break quorum. Anything else?

MEMBER THOMAS: Do we officially have to move into a work session?

CHAIR ACEVEDO: All right. We are in the 10-minute break while Jason gets organized.

Thank you.

(Whereupon, the foregoing matter went off the record at 3:04 p.m. and went back on the record at 3:39 p.m.)

MEMBER JACKSON-DENNISON: "Continue to raise the profile of Indian education as a what? "as a priority for the federal government."

And the recommendations are the same. Okay. The first one is the same okay, what are we looking at now? Oh, I see.

So, the first one is "Continue to raise the profile of Indian education as a priority for the federal government."

And to the Secretary we are saying the same thing as we are saying on the Annual Report. Or are we saying the same thing?

CHAIR ACEVEDO: Uh hum.

MEMBER JACKSON-DENNISON: Yes. Okay.

Is this the priority?

MEMBER BUTTERFIELD: Just a suggestion. I think this makes me a little schizophrenic going back and forth. Because the priority is our recommendations to Congress, if we could start with that document first and go all the way through?

MEMBER JACKSON-DENNISON: Okay. That would help.

MEMBER BUTTERFIELD: I think it would be a little clearer.

MEMBER JACKSON-DENNISON: That document?

MEMBER BUTTERFIELD: Yes, because, then, you get the full scope of what we have recommended.

MEMBER JACKSON-DENNISON: And we have them under although I don't think we need to redo the one, three, four, five, we need to know whether the priorities are the letters, right? A, B? Would that be what we are prioritizing? Because there are like themes or goals, I guess, that we came up with.

MEMBER THOMAS: I disagree, though. I disagree because I think the recommendations that we have down there should be also prioritized.

MEMBER JACKSON-DENNISON: Okay. I'm just asking.

MEMBER THOMAS: Even this one, it goes

MEMBER JACKSON-DENNISON: You don't need to disagree. I'm asking. Okay. go ahead.

(Laughter.)

MEMBER THOMAS: Did you get that?

MEMBER JACKSON-DENNISON: Give her some coffee or some chocolate or something.

(Laughter.)

MEMBER THOMAS: I heard that. I heard that.

MEMBER JACKSON-DENNISON: Okay. Now let's look at the recommendations. So, it is twofold then.

The first question is, is A what we want to do, is that the first priority? And then, are those one, two, three, four, five, however many it goes down to, are they in the right order? Yes, there are five.

MEMBER BUTTERFIELD: I thought, to answer your first question, I think that, yes, that is the first priority, is to elevate the importance of Indian education. So, that makes sense to have it as the first one.

MEMBER THOMAS: I think what should follow should be the budget issue, if we are going to stick with that, you know, the priority that we have there. The budget issue should come after this.

MEMBER JACKSON-DENNISON: Okay. So, we stick that in as a recommendation?

MEMBER THOMAS: Uh hum, as A to B. B should be the budget.

MEMBER JACKSON-DENNISON: Okay. So, we need to move that up. Where is it now?

MEMBER THOMAS: I don't know.

MR. CRAWFORD: Would you like me to actually move it up or just okay.

MEMBER BUTTERFIELD: Virginia, I am not sure I understand. Are you talking about the recommendations that Colin Kippen made.

MEMBER THOMAS: No, no. Yes, part of it, but it was ours about the NACIE and about the Department

MEMBER BUTTERFIELD: And we are asking Congress about that?

MEMBER THOMAS: Yes.

MEMBER BUTTERFIELD: Okay. So, I don't think we put it in both places. That is probably why it is not there.

MEMBER THOMAS: I thought I saw it just a minute ago. No?

MEMBER BUTTERFIELD: Yes, I think that we didn't give him the directive to move it to both places. So, I think it is under the recommendations to the Secretary.

MEMBER THOMAS: But shouldn't we also put it into Congress?

MEMBER JACKSON-DENNISON: It is not legislation. It is something that the President

MEMBER BUTTERFIELD: It could be legislation in the reauthorization or in appropriations; ask for more money for it. But what I thought we were talking about right now is to gather the information in terms of the comparison across the other like initiatives or Executive Orders. So, that is a Department request.

MEMBER THOMAS: Jenelle, did you hear that? Is that how we should do it? I just want to make sure.

MS. LEONARD: I'm sorry, I didn't hear.

MEMBER THOMAS: Is she over there playing Tetris or something?

(Laughter.)

I forgot.

MEMBER BUTTERFIELD: I will summarize. Jenelle, we were trying to clarify whether the request that we are going to ask of the Department about doing the parity comparison of the other EOs, if it belongs in our request to Congress.

MEMBER THOMAS: Our report.

MEMBER BUTTERFIELD: Yes, our report to Congress. And I was saying, no, I didn't think it did.

MS. LEONARD: You're right. It belongs in just the report to the Secretary.

MEMBER THOMAS: Okay. Then, I'm happy.

MEMBER JACKSON-DENNISON: Okay So, we don't need to add anything there.

Now back to my original question before. Are these in the right order, one, two, three, four, five under Priority 1?

MEMBER THOMAS: I think we should move the two and four should be closer together with the common core standards to be moved up.

MEMBER JACKSON-DENNISON: So, three becomes two and two becomes three. Switch those two.

MEMBER BUTTERFIELD: Well, I think, if I could speak for Patsy, she would move the Native language one up, the whole notion that that is what distinguishes us distinct, is the Native language and culture recommendation.

MEMBER JACKSON-DENNISON: The last two, then.

MEMBER BUTTERFIELD: Yes.

MEMBER JACKSON-DENNISON: The last two would become the second and third.

MEMBER THOMAS: Two would become four. No. Were you talking about the language become No. 2 or keeping core standards up with the Assistant Secretary to re-establishing the Department?

MEMBER BUTTERFIELD: I thought we should move the two language requests right beneath the Assistant Secretary, yes, like it is now.

MEMBER THOMAS: Okay.

MEMBER JACKSON-DENNISON: Okay, move on. Let's look at B, "Improve coordination of governmental programs and entities to deliver adequate funds and services to support educational initiatives in Indian country." Does that belong as our second priority or is there

MEMBER THOMAS: So, is this B under one?

MEMBER JACKSON-DENNISON: This is the Annual Report.

MEMBER THOMAS: No, I don't understand the structure.

MEMBER JACKSON-DENNISON: Right now, the way we have it, it is the second priority. We are prioritizing. My question is, does it belong as our second priority or are some of the other ones

MEMBER BUTTERFIELD: One of the things I guess I am having a little trouble with is that we are using the organizers that we created in terms of priorities, I thought, in addressing the Department as our organizers for our legislative report to Congress. And I am not sure that those headers like the A, B, C part came from that, am I correct?

MEMBER THOMAS: Yes.

MEMBER BUTTERFIELD: So, when we are making recommendations to Congress, it is sort of like we are forcing it into a structure that doesn't make sense.

MEMBER THOMAS: That is what I am saying. It is confusing.

MEMBER BUTTERFIELD: Yes, I agree.

MEMBER JACKSON-DENNISON: So, how do we want to handle correcting it?

MEMBER THOMAS: I think it is an Alan problem to me.

MEMBER BUTTERFIELD: Yes, I think as you read through them, they sort of naturally group, like the Native language ones that we are recommending to Congress. Or I thought there was a whole series that dealt with the Impact Aid that aren't completely fleshed out. They are all Impact Aid, but there were subsets of that.

So, kind of without the context of all of the stuff that we added

MEMBER JACKSON-DENNISON: What you are saying, we don't need the A, B, C's?

MEMBER BUTTERFIELD: I don't think so at this point.

MEMBER THOMAS: Well, now we have reversed it. Can you go to the top? See, there is the A. The way it is just set up, it is confusing.

MEMBER JACKSON-DENNISON: The reason why it is confusing is our rationales are missing. Is that why it is confusing?

Okay. Well, how do you want to recommend we go about this? Take the headings out? That is the only one that is really long, though. The rest are

MEMBER THOMAS: The rest are short.

Okay. So, B is about adequate funding and service to support educational initiative.

Go down to the next, C. What is C?

MEMBER JACKSON-DENNISON: That becomes a recommendation.

MEMBER THOMAS: Yes.

MEMBER JACKSON-DENNISON: It is not a C.

MEMBER THOMAS: Is that still one? Is that still one? Or is that two?

MEMBER JACKSON-DENNISON: I think everyone is just kind of tired.

MEMBER BUTTERFIELD: I think this process would be easier if, first of all, we just had the all the information back in there. I mean, for me, I would just as soon play with it by myself. I think it is kind of confusing.

I think that the recommendations to Congress should remove the A, B, C, D headers because we develop those as sort of the way to focus our priorities for the Department. So, we are trying to use the Department priority things for our legislative recommendations. So, to me, it doesn't make sense. It is making it more confusing.

MEMBER THOMAS: I tend to agree with that. I think maybe we should table this and put it back to the Subcommittee.

MEMBER JACKSON-DENNISON: Right.

MEMBER THOMAS: So, we get hard copies in front of us. And then, on the conference call that Jenelle is setting up we can prioritize. If we get the authority, we could just put it together.

CHAIR ACEVEDO: The Chair will accept a motion.

MEMBER THOMAS: We can't vote.

CHAIR ACEVEDO: Oh.

MEMBER THOMAS: Suggestion

MEMBER BUTTERFIELD: Appoint it to the Subcommittee.

CHAIR ACEVEDO: Yes.

MEMBER THOMAS: Oh, he can just do it.

CHAIR ACEVEDO: As the Chair, you know, I can appoint the Subcommittee to engage in that approach.

MEMBER BUTTERFIELD: But just to help us with this, I would like to have the two separate documents, the one to Congress not have the A, B, C, D, E headings, and the one to the Department to keep them in there.

MEMBER JACKSON-DENNISON: And the rationale.

MEMBER BUTTERFIELD: Yes. Well, he is going to put all the rationales back, yes.

CHAIR ACEVEDO: With that understanding that the Subcommittee is going to work this up and recommend a set of priorities to the full Council, we have to decide a teleconference date.

MEMBER THOMAS: We did. We did.

CHAIR ACEVEDO: Oh, okay. Sorry.

MS. LEONARD: Two, the 14th and the 22nd.

MEMBER BUTTERFIELD: We did for the Committee, but not for the whole Council.

MS. LEONARD: Oh, oh, for the whole Council.

CHAIR ACEVEDO: For the whole Council because we need to take action now to accept the recommendations of the priorities as set by the Subcommittee.

MS. LEONARD: And, you know, we did that last time without reconvening the full Committee. I think what Alan did was to blind-copy everybody on the final report.

And what, Mr. Chairperson, you could do is to blind-copy everybody on the report.

CHAIR ACEVEDO: All right.

MS. LEONARD: And cc me.

CHAIR ACEVEDO: Okay.

MS. LEONARD: Well, I will send it to him.

CHAIR ACEVEDO: Super. Thank you.

MS. LEONARD: And then, you blind-copy it.

MEMBER THOMAS: Because we did take action to accept what we

CHAIR ACEVEDO: The substance.

MEMBER THOMAS: Yes.

CHAIR ACEVEDO: All we are doing now is with the priorities. All right.

MEMBER JACKSON-DENNISON: So, I recommend to the whole Committee to keep what am I recommending? make certain you keep your hard copies, so that we can do the comparison back and forth on your own as well.

MEMBER THOMAS: But they are going to send out this.

MEMBER JACKSON-DENNISON: Right. And Jason will send out, I guess to Jenelle, and then Jenelle will forward it on to all of us

MEMBER THOMAS: Yes.

MEMBER JACKSON-DENNISON: what we have done here.

MEMBER THOMAS: Yes. What have we done?

(Laughter.)

MEMBER JACKSON-DENNISON: Whatever we have done.

(Laughter.)

Well, some of us have been here for three days.

MEMBER THOMAS: Jason, have we told you lately how much we love you?

(Laughter.)

CHAIR ACEVEDO: Jason, be careful. Be careful.

(Laughter.)

MR. CRAWFORD: I will go off the record about my feelings towards you all. No, I am just kidding.

(Laughter.)

MEMBER THOMAS: There is no other committee like this, is there?

CHAIR ACEVEDO: Yes. Since we lack a quorum, we will just go ahead and close the meeting.

(Whereupon, at 3:58 p.m., the meeting was adjourned.)