



Office of Elementary and Secondary Education (OESE)

Office of Indian Education (OIE)

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (NACIE)

PUBLIC MEETING

June 17, 2013

The National Advisory Council on Indian Education (NACIE) met via teleconference and at the Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., at 12:00 p.m., Thomas Acevedo, Chairman, presiding.

NACIE MEMBERS PRESENT

THOMAS ACEVEDO, Chairman
GREG ANDERSON
DEREK BAILEY
ROBIN BUTTERFIELD
DEBORAH JACKSON-DENNISON
THERESA AREVGAQ JOHN
WAYNE NEWELL
S. ALAN RAY
ALYCE SPOTTED BEAR
VIRGINIA THOMAS
PATRICIA WHITEFOOT

FEDERAL PARTICIPANTS ALSO PRESENT

JENELLE LEONARD, Designated Federal Official
KAREN AKINS, OS Committee Manager
BERNARD GARCIA, Office of Indian Education
WILLIAM MENDOZA, Executive Director, White House Initiative on AI/AN Education
JOYCE SILVERTHORNE, Director, Office of Indian Education

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

(11:59 a.m.)

CHAIRMAN ACEVEDO: This is Tom Acevedo, the Chair of the National Advisory Council on Indian Education. This is a telephonic meeting to discuss the Draft Report to Congress that is our annual obligation.

To establish a quorum, I would like to call the roll right now. Greg Anderson.

MEMBER ANDERSON: I am here.

CHAIRMAN ACEVEDO: Derek Bailey.

MEMBER BAILEY: Here.

CHAIRMAN ACEVEDO: Robin Butterfield. Deborah Jackson-Dennison. Sam McCracken. Mary Jane Oatman-Wak Wak. Stacey Phelps. Alan Ray Alyce Spotted Bear. Virginia Thomas.

MEMBER THOMAS: I'm here.

CHAIRMAN ACEVEDO: Hi, Virginia. Patricia Whitefoot. All right, Jenelle, we are far short of a quorum.

MS. LEONARD: I see. So --

MEMBER NEWELL: Mr. Chairman?

CHAIRMAN ACEVEDO: Yes.

MEMBER NEWELL: You did not call my name, Wayne Newell.

CHAIRMAN ACEVEDO: Oh, Wayne Newell, please. Yes, thank you, Wayne.

MEMBER RAY: Alan Ray here.

CHAIRMAN ACEVEDO: Alan, thank you. Welcome for coming on.

All right, what is our number now, Jenelle?

MS. LEONARD: Six.

CHAIRMAN ACEVEDO: And I need, what, two more?

MS. LEONARD: Two more.

CHAIRMAN ACEVEDO: Okay. Alan, while we are waiting to establish a quorum, just as soon as we establish a quorum, as the subcommittee chair, I am going to ask for you to go ahead and take us through the Annual Report that your subcommittee prepared. And just by way of acknowledgment, I would like to thank you for the very good work that you and the subcommittee did on this particular draft. So thank you, in advance.

MEMBER RAY: Thank you, Tom, I will be glad to do it.

CHAIRMAN ACEVEDO: We will wait, Jenelle, wait a couple of minutes to establish a quorum.

MS. LEONARD: Okay.

MEMBER JOHN: This is Theresa John. Good morning.

CHAIRMAN ACEVEDO: All right, good. Thank you. Welcome.

One more and we are here.

MEMBER BUTTERFIELD: Good morning, this is Robin.

CHAIRMAN ACEVEDO: Robin, welcome. Thank you. You have just established a quorum. Thank you, Robin.

MEMBER BUTTERFIELD: Oh, my pleasure.

CHAIRMAN ACEVEDO: With that, we now have a quorum to conduct business for this particular National Advisory Council meeting to discuss the Draft Report to Congress.

With that, I am going to turn it over to our subcommittee chair to let us hear their thoughts and rationale for this particular draft. With that, Alan, would you take over?

MEMBER RAY: Sure, I would be glad to, Tom.

The Annual Report that you should have received is based upon the letter to Congress that we prepared and submitted earlier this year.

The method that we employed is a series of reviews and iterations of that document with the intention of trying to find those particular recommendations that might not have been appropriate to go to Congress, retain the others, and asking the subcommittee to add any that they felt were specific to Congress that should be included.

The draft is as you see it. It had no changes from the first version. And it looks as though we have about 23 recommendations, all of which are aligned with the recommendations that we gave to the Secretary earlier.

So I don't know how you would like to go through this, Tom. We could walk through each one of them or we could look at the comments, however you would like to do that.

CHAIRMAN ACEVEDO: All right. I would recommend that we go through it. I know that you have a limited amount of time that you can stay on the call. So as the subcommittee chair, I would like you to go through it as expeditiously as possible and then we will try to get the comments in as each one, for any sort of recommended changes or additions or deletions.

MEMBER RAY: Okay, that's fine. And actually the deletions are actually an interesting part of this. We tried to be very liberal in including as many as possible. But if there are some that you feel as a group could be eliminated, by all means, don't hesitate to let us know.

The first category is elevating the importance of native education, recommending that Congress and staff meet regularly with NACIE. This was part of our recommendation to the Secretary as well. Any comment on that one?

MEMBER BUTTERFIELD: No.

MEMBER RAY: Okay. Secondly, that Congress support and fund the position of Assistant Secretary of Indian Ed within the Department of Education. You will see a number of these that are administratively within the Department of Education but Congress' role would be to support and fund. So this is an adaptation of the Secretary's recommendation, giving Congress the directive to support and fund the position of Assistant Secretary. Comments?

MEMBER BUTTERFIELD: No.

CHAIRMAN ACEVEDO: Good.

MEMBER RAY: Third, parity of funding for the Executive Order. This one is pretty specific to Congress to provide us the funds NACIE should have in order to do the expanded duties under the EO.

Any questions?

MEMBER BUTTERFIELD: No, but I am wondering, because you used the word parity, if we shouldn't add a little bit of an explanation that there are other Executive Orders that have larger staffs. And I think it would be helpful if we could either get them -- I know we are on a short time line with this -- but any budget comparison or something just to state the case stronger.

CHAIRMAN ACEVEDO: Robin and the other members of the council on the line, we have a court reporter taking minutes of this particular call. So if you would, as you speak each time, identify yourself so the court reporter knows who is speaking. Thanks, Robin.

MEMBER BUTTERFIELD: Oh, okay. Yes, okay thanks.

MEMBER RAY: Other subcommittee members on the line have a comment?

MEMBER JACKSON-DENNISON: Yes, this is Debbie Dennison. I agree with what Robin said. If we don't put a figure in there or at least give an idea of what audit means or we need to really be more specific on it because I don't think it will happen if we don't put anything in there. And it's going to end up being another Executive Order just like all others pertaining to Indian Education that never get funded.

MEMBER RAY: How would you advise that we get that information? Jenelle?

MS. LEONARD: Yes, I am here.

MEMBER RAY: Would you be a resource to us to, on a pretty quick time frame, provide us a number that would be a budget number for our organization that we would like to have parity with in their funding?

MS. LEONARD: You know what? I certainly can facilitate that. I think Karen Akins is probably the best person because she is the person who is over all of the FACA advisory committees and she would be able to share some budgetary figures with us.

MS. AKINS: Jenelle?

MS. LEONARD: Yes.

MS. AKINS: Hi, good afternoon. This is Karen, I am on the line.

MS. LEONARD: Well, hello, Karen.

MS. AKINS: Hi. Hi, Tom. Hi, Deb. Hi, council.

So we are looking for figures for other initiatives specifically?

MEMBER BUTTERFIELD: Well, yes. This is Robin. I was thinking that there were other commissions. You know there is a Commission on Hispanics and there is a Commission on Blacks. And I was just curious as to the number of staff they have. You know, just some budget comparisons. I mean, we have one person and I know that the others have a few, a little bit more to work with. And yet we have also what is stated here is this additional charge, via the President's Executive Order. And I just thought in terms of talking about parity, if we could see what some of those other offices are staffed and funded at would be helpful.

MS. AKINS: Okay, I understand that and I will do my best. I will say, Robin -- oh, this is Karen again for the court reporter.

I will say that it is not true that you are the only Commission with one staff person. We have others. But the initiatives that you spoke of, because they are the White House, I don't know if I will necessarily have -- I think you are more interested in staffing than just total budget. But that gets a little sticky, to be honest. But I will do my best.

I will pass it on to my -- well, not pass it on -- meet with my supervisor and just see what I can get for you all. And I am thinking you will want this before, of course, you submit the report. He is out ill today. So my next opportunity to speak with him would be on Wednesday of this week.

MEMBER RAY: All right, Karen, thank you for that. And if you could send that information to the subcommittee.

MS. AKINS: Absolutely. Actually I will send it to -- actually, I'm sorry, Alan, I will send it to Jenelle, as the DFO.

MEMBER RAY: All right, whomever.

MS. AKINS: Okay.

MEMBER RAY: I just want to underscore that our time is running out on making changes that require research. So an expeditious response would be much appreciated.

MS. AKINS: No, I totally understand and that is why I wanted to give you a breakdown of what it is like in my office, since my supervisor is out today. Again, my next opportunity would be to speak with him on Wednesday, not knowing what I will get. So I will do my best this week.

MEMBER RAY: Okay, Karen, thank you. Thank you, Robin, for that.

MS. AKINS: Moving on to number 4. The recommendation is disseminating OIE promising practices. We are asking Congress to direct the Office of Indian Ed to require grantees under OIE discretionary and formula grant programs to disseminate that information broadly on promising practices.

Good?

MEMBER BUTTERFIELD: Good.

CHAIRMAN ACEVEDO: All right, the next group seeks to stimulate the vitality of native languages, histories and cultures. Starting with number 5, asking Congress to enact legislation to expand funding for indigenous language acquisition and proficiency, continue to support to language proficiency by children as well as adults and programs, including immersion schools, legislation to promote vitality of culture and health, especially of children and the elderly.

Any comments on that one?

MEMBER BUTTERFIELD: Yes, this is Robin again. I am thinking that we need to be a little more specific in a recommendation and maybe state something like in the current ESEA funding there are funds within Title III, which is the language subtitle. Because what I am afraid of is that they may, if they support this action, they may take it out of Title VII and there are not enough dollars in there to fund language programs already. And also, Title VII has very limited funding per pupil, whereas Title III there is a more realistic amount. So it seems like we might want to add.

In the reauthorization, the titles may shift in terms of how they are numbered. But if we just reference the current Title III, that would be a funding source to increase --

MEMBER RAY: And not to take funds from Title VII.

MEMBER BUTTERFIELD: Yes.

MEMBER RAY: Okay, I can do that.

MEMBER BUTTERFIELD: And because that is also consistent with the recommendations that NIA and NCAI and others have made through the Native Class Act, that we are not trying to diminish the Title VII pie because it is so limited already.

MEMBER RAY: Okay, I can try to put that language in there.

MEMBER BUTTERFIELD: Okay.

MEMBER JACKSON-DENNISON: This is Debbie. I just want to add that because I think that -- I thank Robin for saying that because here in Arizona what they do, they want Title III to be more for English language only type thing. So it really needs to be specified if it can be used for Indian language immersion school is a way to fill the pond learning English.

MEMBER BUTTERFIELD: Well and there is a special section in the Title that is called the Puerto Rican Amendment and it refers directly to Native languages and the Puerto Rican languages as those that can be strengthened, along with learning English.

And so there are grants currently funded out of there but there aren't very many. So the idea is to increase the number.

MEMBER RAY: All right, let me go ahead and add that language.

We can move then to six, recommendation for native language teachers. For Congress to clarify that the requirement in No Child Left Behind teachers be highly qualified should not be used in a manner detrimental to native language teachers.

Any comments?

MEMBER BUTTERFIELD: No but here we might want to reference also that this was the language before reauthorization in Title II. You know because if we just do too blanket a recommendation, they may not know where they are supposed to be looking to insert specific language.

MEMBER RAY: Okay, Robin, can you tell me again what language you would like to submit?

MEMBER BUTTERFIELD: This is Title II, the teacher training section.

MEMBER RAY: Title II, teacher training section.

MEMBER BUTTERFIELD: Yes.

MEMBER RAY: And that references the subject of this position.

MEMBER BUTTERFIELD: Right.

MEMBER RAY: All right, I can do that.

All right moving on, number 7. Going into supporting early childhood ed. Congress to support lifelong learning. To that end, Congress should support the Administration's language programs, especially those aimed to educate children and families.

Any comment?

MEMBER BUTTERFIELD: I just came off of the Head Start hearings that they had here in Washington State last week. And I want to just send you some possible language that would support some of the things that were being asked about the Indian Head Start Program, specifically.

MEMBER RAY: Okay. Yes, if you email me that --

MEMBER BUTTERFIELD: I will commit to -- should I send it directly to you, Alan?

MEMBER RAY: That would be fine with me. I will be making those changes.

MEMBER BUTTERFIELD: Okay and I will copy Jenelle on it as well.

MEMBER RAY: Okay, thank you very much.

MEMBER WHITEFOOT: Good morning, this is Patsy.

MEMBER BUTTERFIELD: Good morning, Patsy.

MEMBER RAY: Moving on under Preserve Distinct and Adequate Funding Sources for All Programs. This is close to Virginia's heart. Recommendation 8, reauthorizing title VII and Johnson-

O'Malley as distinct programs. Congress to support that reauthorization, encourage Ed to maintain the separate identities. Any comments?

No comments?

MEMBER BUTTERFIELD: No, sounds good.

MEMBER RAY: I will move to number 9.

MEMBER THOMAS: Alan, thank you for putting this together. I know I gave you a lot of material but it looks great condensed like this. I know that we have two of our board members on the Hill right now, and this came in really handy knowing this is going in as a recommendation. Thank you.

MEMBER RAY: Good, all right.

CHAIRMAN ACEVEDO: That was Virginia, for the court reporter.

MEMBER RAY: I recognized her there. It's good to see that the storms didn't sweep you away, Virginia.

MEMBER THOMAS: Yes, yes, it hasn't.

MEMBER RAY: All right then, moving on to number 9, Fed Funds and Supplanting. That Congress amend Title I language to clarify that other funding sources like Title VII funds cannot be used to supplant Title I funds and that technical assistance be provided to State Ed chiefs, clarifying the difference between Title I and VII funds and their appropriate uses.

Any comments?

Hearing none, number 10, Recommendation on Higher Ed. This is a lengthy one essentially asking that Congress maintain current levels of funding for TCUs, increasing that funding where increasing student enrollment and other needs are demonstrated, and further, that Congress support the higher ed of AI/AN students attending institutions that are not TCUs by reinstating the federal fellowship program for qualified Native Americans; maintaining current levels of financial support for non-tribally controlled institutions and non-Native institutions where significant numbers of AI/AN students attend; and gather data in collaboration with community colleges and other entities that serve high numbers of AI/AN students to assess their total cost of attendance, including debt burden, job or graduate school placement rate, and other indicia of mission effectiveness.

Any comments?

MEMBER WHITEFOOT: This is Patsy, just one comment. On the non-tribally controlled institutions, there is a formal name that the Department of Education has been using. So I thought that was good to be inserted there.

MEMBER RAY: Okay. And so we have captured that special name?

MEMBER WHITEFOOT: No, I don't have that right in front of me but I will look for it.

MEMBER RAY: Okay and you are referring there where it says -- let me find it so I can mark it.

Is this the line that goes "maintaining current levels of financial support for non-tribally controlled institutions?"

MEMBER WHITEFOOT: Yes, right.

MEMBER RAY: Okay, so non-tribally controlled institutions has a special name?

MEMBER WHITEFOOT: Yes.

MEMBER RAY: It does. And let's see, you will send me that, please?

MEMBER WHITEFOOT: Yes, I will.

MEMBER RAY: Okay, thank you. I'm just making a note here. Okay, thank you very much.

Number 11, Race to the Top Funds. That Congress grant eligibility to tribes, consortia of tribes, and the BIA to apply and compete with states or districts for funds awarded under Race to the Top or similar initiatives. Further, that for states or districts of five percent or more AI/AN, at the requirement of fund eligibility, states or districts must demonstrate meaningful consultation with their federally- or state-recognized tribe and this consultation must be subsequently and meaningfully incorporated into their plan.

Any comments on that one?

MEMBER BUTTERFIELD: No, very good.

MEMBER RAY: Good. All right, hearing none, we go to Supporting Technical Assistance to Indian Country with number 12. That Congress place a high priority on improving technical assistance to Indian country, and support the Department of Ed in its efforts to implement strategies to provide technical assistance to tribal and state education departments, tribally controlled community colleges, state offices of Indian Ed, ed labs and centers, delivered by qualified Native educators where at all possible.

Any comments? Hearing none, 13, Technical Assistance Accountability. That Congress support the Department of Ed in its efforts to improve technical assistance by including stronger language to current Title programs during any reauthorization, emphasize the accountability of the federal government to AI/AN schools, students, and communities, for programs for bilingual ed and safe and drug free schools and related educational programs.

Any comments there? Hearing none, number 14, DOE/SEA/TEA Technical Assistance Partner Collaboration. That Congress support the Office of Indian Ed in its efforts to develop a plan that will demonstrate how it will strengthen and expand technical assistance using state education staff, comprehensive centers, chief state school officers, Indian tribes, Indian educators and organizations, and other means to help meet Title VII needs.

Comments? Good?

Okay, 15, Technology Support. That Congress support the Department of Ed's School Support and Technology Programs and Technical Assistance Programs to identify how current technical assistance is being targeted specifically to serve AI/AN students.

Comments? If no comments, we go to Support Standards and Assessment Tools Appropriate to Indian Country.

Number 16, Revision of Definition of AI/AN. That Congress cooperate with the Department of Ed to begin immediately to work with the Office of Management and Budget to revise the definition of American Indian or Alaska Native to remove the indigenous inhabitants of South America and Central America from this category, and further, that the Department and the OMB engage in consultation with American Indians and Alaska Natives concerning the appropriate scope of this critical definition.

Comment?

CHAIRMAN ACEVEDO: Alan, this is Tom. I think it is important to do. It seems to me that this -- where does Congress step in on this one, since it is an OMB issue?

MEMBER RAY: We used the verb cooperate.

CHAIRMAN ACEVEDO: Okay.

MEMBER RAY: I know that that doesn't answer your question but I think it indicates that if this comes up that essentially Congress cooperate and not get in the way. It also puts them on notice that this is an issue.

CHAIRMAN ACEVEDO: Okay, all right. Got you. Good.

MEMBER RAY: Okay.

MEMBER WHITEFOOT: And this is Patsy. I can't recall when we were putting this together if we put it at all levels of education, K-12, higher education.

MEMBER RAY: Okay. I can make a note in there to say at all levels.

MEMBER WHITEFOOT: Right, someplace.

MEMBER RAY: Okay, so after the parentheses American Indian or Alaska Native, I can insert at all levels.

MEMBER WHITEFOOT: Okay.

MEMBER NEWELL: This is Wayne Newell.

MEMBER RAY: Yes?

MEMBER NEWELL: I have a question about a universal definition. Are we talking about adhering to the one that is currently used under a quarter or more of native blood? Is that what we are advocating here?

MEMBER BUTTERFIELD: No. If you read through the text -- I'm sorry. This is Robin and maybe I should let Patsy kind of reference this. Go ahead, Patsy.

MEMBER WHITEFOOT: Right. It is no, we are not talking about that, Wayne. Currently, this is what is being used at the higher education levels and also at the K-12 levels. It is the inclusiveness

of South America and Central America indigenous populations. We are being all pulled together under the definition of American Indian.

MEMBER BUTTERFIELD: This is Robin. And if you look at the next page, there has been a lot of confusion for folks because when you look at the category, this is under sensitive, you have to declare whether you are Hispanic or Latino or Non-Hispanic or Latino. And then once you distinguish between those two, then you can identify whether you are American Indian. And so people who are combinations, I mean the numbers are such a mess in terms of who considers themselves to be Indian. So it has just created a whole layer of problems for like our Indian Ed programs and our tribal role counts and all kinds of stuff.

MEMBER NEWELL: The only reason I asked the question is because I think that in Indian country itself, as we collectively understand it, there might be some confusion about -- and I understand you are trying to shave off some of those that are currently included. I am concerned a little bit about what our own tribes and within the United States, how they will react to this. I am just -- that was sort of my collective reaction as I read through this recommendation. I said what about the definition that is currently used for federally-recognized tribes, for example, a quarter or more blood quantum issue.

MEMBER BUTTERFIELD: Well that is not even consistent across tribes.

MEMBER NEWELL: Yes, that is why I am raising the issue. Is that what we are heading for?

MEMBER WHITEFOOT: No. This is Patsy again. This basically is to remove the indigenous inhabitants of South America and Central America from the category of American Indian. That is the primary focus here.

MEMBER NEWELL: Okay. I just wanted to discuss it a little bit because I know from talking with various tribal groups that that is a point of contention that eventually we are going to have figure out a way to define ourselves and not the federal government.

MEMBER WHITEFOOT: This is Patsy. That is a whole other discussion --

MEMBER NEWELL: Yes.

MEMBER WHITEFOOT: -- that focuses on removal of the indigenous inhabitants of South America and Central America.

MEMBER NEWELL: Oh, okay. Thank you for your patience.

MEMBER WHITEFOOT: Okay. Thank you, for your question.

MEMBER RAY: Moving on to Recommendation 17, Cultural Relevancy and Classification of Native Languages, asking that Congress support the Department's efforts to direct or work with the School Officers and the National Governors Association to include cultural relevancy in the formation of the Common Core States Standards and Assessments. Native languages should be classified under World Language, instead of foreign language, and allowed to satisfy non-English language proficiency requirements.

Comments?

Hearing none, Recommendation 18, Government Performance Results Act Measures. that Congress support the Department of Ed's responsibilities to see that the President's Memorandum dated 5 November 2009 be adhered to in within the Department and Office of OMB in matters that pertain to the development of performance measures, policies, and standards. Further, consistence with EO 13175 of November 6, 2000, coordination and consultation with tribes is warranted, especially for these policies and standards that have tribal implications.

Comments?

Hearing none, Recommendation 19, Use of Native Expert Reviewers. That Congress support the Department in making extraordinary efforts to include Native Expert Reviewers through special initiatives, competitive grants, request for waivers and similar undertakings where the well-being of Native people is concerned.

Comments?

Hearing none, Recommendation 20, National Schools and Staff Surveys. Asking Congress to support the Department in strongly encouraging the OIE to maintain the overall size and scope of the '09 NIES and strongly encourage the National Center for Education statistics to include BIE schools and staff within all future iterations of the National Schools and Staffing Survey; to continue over-sampling public schools in which American Indian/Alaska Native students constitutes high percentage of student enrollment; and to analyze the data and publish the results.

Comments?

Hearing none, the final section is on Advance Intergovernmental Collaboration. Recommendation 21, Comprehensive State and District Plans. That Congress monitor and enforce compliance with federal laws requiring that when state plans are submitted to the federal government, they are reviewed for their accountability to native populations. Reviewers should be instructed to closely examine a plan's service to parents and their indigenous communities. State plans that include Native students should have Native reviewers. In the reauthorization of the ESEA, include stronger language that clarifies the support states can provide in serving Native students.

Comments?

Hearing none, Recommendation 22 on the BIE Operations and Maintenance. That Congress support the continued coordination of the Bureau's Indian Affairs Operations and Maintenance Program and the Bureau of Indian Education on school construction to increase alignment between the two departments and resolve the current school construction backlog. Collaboration between the Departments of Education and Interior should be the norm.

Comments?

Hearing none, Recommendation 23, School to Prison. That Congress support NACIE's recommendation that the Department of Ed and the Department of Justice conduct joint listening sessions in Indian Country to address school discipline disparities and the school-to-prison pipeline that disproportionately affects AI/AN students.

Comments?

Hearing none, those are the recommendations of the subcommittee.

CHAIRMAN ACEVEDO: This is Tom. Thank you, Alan, and thank you all our subcommittee members who participated in pulling this together and for those of you who made comments today.

What I would like to do is once again go over the roll to make sure who I now have on the line because there were a couple of you that I missed when I started out. And then with that, the Chair will entertain a motion to approve this draft with the suggested changes by members of the Council that were voiced today.

So I am going to go ahead and go back over the roll one more time. Greg Anderson.

MEMBER ANDERSON: Present.

CHAIRMAN ACEVEDO: Theresa John?

MEMBER JOHN: Present.

CHAIRMAN ACEVEDO: Derek Bailey.

MEMBER BAILEY: Here.

CHAIRMAN ACEVEDO: Robin Butterfield.

MEMBER BUTTERFIELD: Present.

CHAIRMAN ACEVEDO: Deborah Jackson-Dennison.

MEMBER JACKSON-DENNISON: Here.

CHAIRMAN ACEVEDO: Sam McCracken. Wayne Newell.

MEMBER NEWELL: Here.

CHAIRMAN ACEVEDO: Mary Jane Oatman-Wak Wak. Stacey Phelps. Alan Ray

MEMBER RAY: Here.

CHAIRMAN ACEVEDO: Alyce Spotted Bear.

MEMBER SPOTTED BEAR: Here.

CHAIRMAN ACEVEDO: Virginia Thomas.

MEMBER THOMAS: Here.

CHAIRMAN ACEVEDO: Patricia Whitefoot.

MEMBER WHITEFOOT: Present.

CHAIRMAN ACEVEDO: Have I got everybody? I think so.

With that, that is the full Council that I have just called off, the Chair will entertain a motion on this Draft to Congress.

MEMBER JACKSON-DENNISON: Mr. Chair, this is Debbie Dennison.

CHAIRMAN ACEVEDO: Yes.

MEMBER JACKSON-DENNISON: I was just realizing that there is nothing in here -- I don't know if it is too late to add -- anything on Title VIII. It just stops off at Title VII. The Impact Aid funding that we had language in last year's Report to Congress about Impact Aid and how it is -- and I see that is not even in here at all this time. And I didn't recognize it earlier until just now. I was looking at last year's report compared to this year's. Is it too late to add that?

CHAIRMAN ACEVEDO: It is certainly not. Alan, do you have a comment?

MEMBER RAY: I think that would be fine, certainly with me. If there would be no objection, I would like to be able to go back to last year's recommendation on Impact Aid Title VIII and use that language to create a new recommendation that would be placed under the appropriate category.

CHAIRMAN ACEVEDO: Okay, thank you. Deb, is that okay?

MEMBER JACKSON-DENNISON: That's fine. The only thing is I think it is developed even more. It talks a little bit about sequestration and how it shouldn't be included, how Title VIII needs to be exempt from sequestration.

So that is pretty much it. I would just use the first portion of it and not really get into -- it talks about 8009 being -- so that there is no equalization. But I will send you the language.

MEMBER RAY: I'll tell you what. May I ask, Deb, would you send me the text that you would like to see in this recommendation?

MEMBER JACKSON-DENNISON: Okay, I will do that.

MEMBER RAY: Okay, thank you very much.

CHAIRMAN ACEVEDO: Any other suggested changes?

MEMBER WHITEFOOT: This is Patsy. Alan, just that I might add. I can change that. I will send it to you.

MEMBER RAY: Oh, okay. Thank you.

MEMBER BUTTERFIELD: So this is Robin. I will move that we accept the report, including the additions that were recommended today on the call.

CHAIRMAN ACEVEDO: All right. Is there is a second? Who was that?

MEMBER THOMAS: This is Virginia, I will second.

MEMBER NEWELL: This is Wayne. I was going to second the motion.

CHAIRMAN ACEVEDO: Okay, Wayne seconded a motion by Robin. Discussion?

MEMBER JACKSON-DENNISON: The time frame for the additions, is that by the end of the of the week or are we --

MEMBER RAY: If we could have that by Friday at noon Central time.

MEMBER JACKSON-DENNISON: Okay.

CHAIRMAN ACEVEDO: Thank you, Alan.

MEMBER RAY: I will be traveling throughout the week but I will pay attention to this on Friday morning.

MEMBER JACKSON-DENNISON: Okay.

MEMBER RAY: So if I could get your work by Friday noon, Central Time, I can put it in and get it off to Jenelle.

MEMBER JACKSON-DENNISON: Okay.

MEMBER BAILEY: And our deadline to Congress is June 30?

MEMBER RAY: Yes.

MEMBER NEWELL: Okay.

CHAIRMAN ACEVEDO: Any other discussion?

MEMBER RAY: One question. Alan, here.

Just to make certain that my final statement is correct, I have a note at the end of everyone's name and address that resignation of one of our 15 members in 11/12 created a vacancy that is unfilled as of June 30, 2013. Is that still accurate?

CHAIRMAN ACEVEDO: Jenelle?

MS. LEONARD: Yes? Yes, Tom?

CHAIRMAN ACEVEDO: The question was is whether Robert Cook's resignation is the only one and the statement that Alan just read is the correct one.

MS. LEONARD: Yes.

CHAIRMAN ACEVEDO: All right.

MS. LEONARD: Yes, absolutely.

MEMBER RAY: Very, good. Thank you.

MS. LEONARD: No changes.

MEMBER BUTTERFIELD: This is Robin. One other correction. Could you please put my current address where it is listing the NACIE members?

MS. LEONARD: Yes.

MEMBER RAY: Yes, I'd be glad to. Robin, what is your current address, please?

MEMBER BUTTERFIELD: It is Post Office Box 6491, Olympia, Washington. And that is 98507.

MEMBER RAY: 98507?

MEMBER BUTTERFIELD: Yes.

MEMBER RAY: And I might ask Jenelle if you would take a look at the addresses I have listed there for each of the members and send me any corrections by Friday, noon, on those addresses, I would appreciate it.

MS. LEONARD: Okeydoke.

MEMBER BAILEY: Hello. This is Derek Bailey and I have the same request for address change. I did send it to Jenelle at the start of this meeting.

MEMBER RAY: Okay, Derek, would you like to give that to me, please?

MEMBER BAILEY: Sure, P.O. Box 862 in Suttons Bay, two words, S-U-T-T-O-N-S and then Bay, B-A-Y, Michigan, MI, code 49682.

MEMBER RAY: Say again 2the code.

MEMBER BAILEY: 49682.

MEMBER RAY: Okay, thank you, Derek.

MEMBER BAILEY: Yes, thank you.

MEMBER WHITEFOOT: Alan, you might as well take my over the phone, then, too.

MEMBER RAY: Is this Patsy?

MEMBER WHITEFOOT: Okay, --

MEMBER JOHN: This is Theresa John. I'm sorry. I would like to remove right under my name DANSRD. Okay, thank you.

MEMBER RAY: Okay, Theresa, I'm sorry. I wasn't looking at your information as you were speaking. Could you say that again for me, please?

MEMBER JOHN: Right under my name there is DANSRD. Just remove that, right before CCS. Thank you.

MEMBER RAY: Okay, so DANRD/ will go away?

MEMBER JOHN: Yes.

MEMBER RAY: You will be left with CRCD/UAF. Is that correct?

MEMBER JOHN: I'm sorry. Just put CCS-CLA.

MEMBER RAY: CCS@CLA?

MEMBER JOHN: Dash.

MEMBER RAY: Oh, dash CLA.

MEMBER JOHN: Yes, it is liberal arts now, not CRCD.

MEMBER RAY: Okay. So after your name it reads in capitals, CCS\CLA. Is that correct?

MEMBER JOHN: Correct, yes. Thank you very much.

MEMBER RAY: Okay and Patricia, you had a change to yours as well?

MEMBER WHITEFOOT: Yes.

MEMBER RAY: Okay.

MEMBER WHITEFOOT: Post Office Box, PO Box 460 --

MEMBER RAY: Yes.

MEMBER WHITEFOOT: White Swan, two words --

MEMBER RAY: Uh-huh.

MEMBER WHITEFOOT: Washington 98952.

MEMBER RAY: 98952. Okay, great. That is very helpful.

MEMBER NEWELL: I have good news, Mr. Chairman. This is Wayne. Mine is correct.

(Laughter.)

CHAIRMAN ACEVEDO: Any other changes or discussion from members of the Council?

All right, hearing none, I will call for the question. All those in -- what I am going to do is read your names off, since we can't see each of you, whether it is a yea or nay in support.

Greg Anderson.

MEMBER ANDERSON: Yes.

CHAIRMAN ACEVEDO: Yea is in support of the motion.

MEMBER ANDERSON: Yea.

CHAIRMAN ACEVEDO: Theresa John?

MEMBER JOHN: Approve.

CHAIRMAN ACEVEDO: Derek Bailey.

MEMBER BAILEY: Yes, yea.

CHAIRMAN ACEVEDO: Robin Butterfield.

MEMBER BUTTERFIELD: Approve.

CHAIRMAN ACEVEDO: Deborah Jackson-Dennison.

MEMBER JACKSON-DENNISON: Here -- approved.

(Laughter.)

CHAIRMAN ACEVEDO: All right, Deb.

Sam McCracken is not on the line.

Wayne Newell.

MEMBER NEWELL: Yea.

CHAIRMAN ACEVEDO: Mary Jane is not on the line.

Stacey Phelps.

MEMBER BUTTERFIELD: He's not on the line, either.

CHAIRMAN ACEVEDO: Okay. Alan Ray

MEMBER RAY: Yea.

CHAIRMAN ACEVEDO: Alyce Spotted Bear.

MEMBER SPOTTED BEAR: Yea.

CHAIRMAN ACEVEDO: Virginia Thomas.

MEMBER THOMAS: Yea.

CHAIRMAN ACEVEDO: Patricia Whitefoot.

MEMBER WHITEFOOT: Yes.

CHAIRMAN ACEVEDO: The motion is carried. Any opposed?

MEMBER NEWELL: Mr. Chairman, what is the count on the yeas?

CHAIRMAN ACEVEDO: It was unanimous.

MEMBER NEWELL: Thank you.

CHAIRMAN ACEVEDO: With that, we have completed our meeting. The Chairman will entertain a motion to adjourn.

MEMBER BUTTERFIELD: Well can I just -- this is Robin. Can I ask a quick question?

CHAIRMAN ACEVEDO: Yes, go ahead.

MEMBER BUTTERFIELD: On what the status is of our letter to the Secretary.

CHAIRMAN ACEVEDO: Jenelle?

MS. LEONARD: This is Jenelle. Your letter to the Secretary has been formally transmitted to the Secretary. And that was done I'm going to say it was done at least within a seven-day window, seven to ten day window.

So I am not recalling exactly when it came in but it was immediately sent to the Exec Sec and it was then transmitted. You know, it goes through its clearance process as logging in process and then was transmitted to the Secretary.

MEMBER BUTTERFIELD: Okay, thank you. And then this is Robin, I have one other question.

It is my understanding that NIA is submitting a resolution through NCAI this week to ask that NACIE hold one of its meetings in conjunction with NIA so that constituents around the country could provide more input. Is there any planning for the next meeting with NACIE?

CHAIRMAN ACEVEDO: Jenelle, this is all about funding. Go ahead.

MS. LEONARD: Yes. So this year, FY13 there were funds for one face-to-face meeting and that has been satisfied. There was talk of possibly two to three virtual meetings. And so this constitutes one and on the agenda there may be -- based on your direction, there may be another need for a virtual meeting. Because you all determined when those meetings will be and if you need to have them.

So I think we have budgeted for two more virtual meetings and the ball is in your court to make a decision about whether or not we should have them before the end of the fiscal year.

In the upcoming fiscal year, there may be funds for I am going to say at minimum at least one face-to-face meeting. And it would be -- I am not going to say right at this point because I really don't know what the budget is going to look for 14 but it may be -- I don't know if traveling, other than to D.C. would be more costly because it means that the federal government would have to travel there. So there is some travel costs incurred by the federal government. And I don't know that we would have those funds available to us.

So I can't say at this point. I am just going to say it is too soon to tell because we have all taken some pretty drastic cuts to our travel budgets for this year. So I am not -- I have no clue as to how much the travel budgets will be reduced for FY14.

CHAIRMAN ACEVEDO: Thank you. So Robin, it doesn't sound like we are going to be able to meet face-to-face with NIEA.

MEMBER BUTTERFIELD: Yes. Well so my other question and kind of inconsistent with what Jenelle just said is when can we expect some response to the list of items that we left with the Department as of our last meeting and when can we get a response from the Secretary?

CHAIRMAN ACEVEDO: Jenelle?

MEMBER BUTTERFIELD: Because I would certainly provide a reason to meet, even if it is virtually.

MS. LEONARD: Robin, I'm sorry. I didn't hear all of that. I was having a sidebar. I apologize.

MEMBER BUTTERFIELD: Oh, okay. Well you said it was up to the Committee to decide when it needed to meet for what reason. And we still have a couple of things hanging out there that we have not received any information on. One is the list of items that we wanted gathered and reported on and the other is the response from the Secretary himself. So we do have reasons for a virtual meeting.

Well and the third, is that we were told when we met the last time that the interagency task force was collecting four-year plans from these various government agencies and we don't know what the status is of that under the Executive Order.

So there is like three big things in my mind that there has been no information on since February.

MR. MENDOZA: Mr. Chairman, if I may, this is Bill Mendoza.

CHAIRMAN ACEVEDO: Yes, Bill, go ahead.

MR. MENDOZA: Thank you so much. Thank you, Robin, for those insights. And definitely just to kind of reiterate what Jenelle is saying that the reason for convening a NACIE is really up to you all. And so those issues I think if we want to hit them head-on the list of items, our response to the Secretary letter, that is certainly with NACIE's purview to meet specifically on those issues as agenda items or the whole of the meeting, if you will.

As to the interagency working group, I can provide a limited update on that but definitely we can look into that being a more robust conversation if you see fit.

There were not four-year plans that were being submitted there were actually priority goals from the agencies that we wanted them to identify to inform their four-year plans as we begin to develop them.

So knowing that it is strategic planning within the summer here, we wanted a signal for them to be engaging in that process to develop four-year -- to develop priority goals and to set objectives under the Executive Order.

So the four-year plan, you know, the criteria for that are really where that conversation is headed. We have made some progress in that area related to higher education. We have created a definition around what we are referring to as American Indian and Alaska Native-Serving Institutions or NSIs if you will, Native-Serving Institutions, being consistent with the AI/AN definition there on self-

identification, self-identified and driven. And so that definition includes ten percent and more than 300 students. So we have identified through that process a universe, if you will, or a system of 99 institutions beyond the 37 Tribal Colleges and Universities that we can begin to find more information about than to create organizations.

The next step for us, and this is the one that is really kind of slowing us down and we have not been able to make a lot of progress in this area is the definition of a K-12 system of American Indian/Alaska Native Serving Schools. So this is an area that we are really interested in engaging with NACIE members on to help us begin to define what is some semblance of not only differentiated accountability but potentially inclusive school systems that were interested in creating greater organization for the purposes of Indian students.

So with that being said, the agencies were to submit their priority goals. And what was that date for that? I have someone on the line, who has been with you guys since the start of the meeting.

May 31st was the deadline for those. And we have only received a few agencies who have submitted priority goals to that effect. And so we have already discussed reaching out to those agencies and have them submit those.

But does that help on that front?

MEMBER BUTTERFIELD: Yes.

CHAIRMAN ACEVEDO: Bill, thank you. This is Tom. That was a good start but I would like to, and I think Robin has raised an absolute excellent point about the next meeting and those three agenda items, I think, are critical to us, and give us a valid reason to meet virtually again.

I would request Jenelle, if she would send out a doodle again to see when we could all come together for a subsequent meeting prior to the end of the fiscal year.

MEMBER WHITEFOOT: And this is Patsy as well for Jenelle and for the writing team. I would like to suggest that we have a follow-up with the writing team --

MS. LEONARD: Okay.

MEMBER WHITEFOOT: -- if that is okay with Robin, Virginia, Deborah, and myself, and Alan, as a follow-up to this.

MS. LEONARD: Yes, I will take care of both.

MEMBER WHITEFOOT: Okay.

MR. MENDOZA: Mr. Chair, may I also offer some pieces of thought, I guess for the NACIE face-to-face?

CHAIRMAN ACEVEDO: Go ahead Bill, please.

MR. MENDOZA: I just want to remind the Council that as we look to next year and kind of the next fiscal year as well, and then these next two virtual meetings, we have identified kind of some priority areas that we really appreciate your engagement on and would help contribute to the visibility of these issues and the important words that we have outlined under the initiative and as we work with Joyce and Title VII and especially the Bureau.

And so the bus tour, they are identifying dates for the Secretary's annual bus tour. And so as we progress with that, a couple of the windows that are being talked about are through September. So September 9th to September 13th is one of the windows that we are looking at. So I will get back to the Chair in the appropriate way regarding that route and where that is headed.

And then also as we look to September as well, don't forget about our annual technical assistance day that corresponds with National Education Association Convention. And that might be another opportunity to, if we can't meet the face-to-face requirement, our desire of NIEA to at least engage virtually with them there as well. We had a very successful technology-driven interface last year at NIEA and I am sure if we put our heads together, we can do something as creative to have NACIE represented there.

The other side of that is as we think about the reauthorizations that are in play right now, Carl Perkins, HEA, and of course, the ESEA with the Harkin Bill being released, I am really keeping in the back of my head what is an appropriate time for NACIE to make sure that they convene and establish the visibility here wherever those discussions are. And typically those fall along the development of the budget, the release of the budget. And of course, we know as much as you know

there as we look into the future and kind of where we were talking about the same kind of debt ceiling and fiscal cliff, fiscal cliff conversation that we have all experienced together.

CHAIRMAN ACEVEDO: All right, excellent. Thank you, Bill.

What was the dates on your annual technical assistance meeting. Is that when NIA is meeting?

MR. MENDOZA: That is correct. It is the day prior to NIEA, typically.

CHAIRMAN ACEVEDO: Okay. Maybe Joyce or Jenelle --

MS. SILVERTHORNE: that would be on the Wednesday preceding National Indian Education Association Annual Conference.

MS. LEONARD: October.

MS. SILVERTHORNE: October 30th.

CHAIRMAN ACEVEDO: Okay, thank you.

MEMBER WHITEFOOT: And along that same line as Robin was talking earlier -- this is Patsy.

I was wondering about the potential of the Advisory Board meeting recognizing that we don't have the resources to come together face-to-face, many of us will be at NIEA anyhow. Is that even a possibility for us to consider participating in?

CHAIRMAN ACEVEDO: Well, Patsy, this is Tom.

MEMBER WHITEFOOT: Yes.

CHAIRMAN ACEVEDO: When Jenelle, I would advise you that when you send out your doodle to see if you could work it around that date.

MS. LEONARD: Okay. And -- do you want to say something?

MS. AKINS: Oh, Tom, this is Karen. I am just going to double check in the White House Liaison's Office just to make sure, I want to double check with our advisory boards and commissions. I

have heard some talk about because of budget cuts, meeting only in D.C. That is one thing I have to check on.

In participation, we probably will just want to check in with OGC ethics. I don't think that will be an issue, as long as you were -- we just would need to figure out what your role would be if you are not going to have an actual meeting. So I could double check that as well.

CHAIRMAN ACEVEDO: Okay. If we can have a meeting, we would like to have it. And what I am hearing from some of the folks, they are actually paying their own way because they are already going to NIEA and if we could buttress up against that, it would not have an exposure --

MS. AKINS: Got you.

CHAIRMAN ACEVEDO: -- a financial large one to Department of Education.

MS. AKINS: Yes. Well, I mean I will check.

CHAIRMAN ACEVEDO: Okay, thank you.

MS. AKINS: It sounds pretty straightforward but because they are paying their own way, I just need to double check on how that impacts everything from the legal office.

CHAIRMAN ACEVEDO: Thanks, Karen.

MEMBER BUTTERFIELD: Thank you very much.

CHAIRMAN ACEVEDO: Any other comments?

MEMBER WHITEFOOT: To Alan Ray -- this is Patsy.

MEMBER RAY: Yes, Patsy.

MEMBER WHITEFOOT: That term is Native American-Serving, Nontribal Institutions.

MEMBER RAY: Let me make a note of that. Native American-Serving, Non-Tribal Institutions.

MEMBER WHITEFOOT: Right.

MEMBER RAY: And are all those words starting with a capital letter?

MEMBER WHITEFOOT: Yes.

MEMBER RAY: Okay, good. Thank you very much.

MEMBER WHITEFOOT: It is Native American dash Serving, comma, Nontribal Institutions.

MEMBER RAY: All right, good. And Nontribal has a hyphen?

MEMBER WHITEFOOT: No.

MEMBER RAY: It does not?

MEMBER WHITEFOOT: No. And this is under the Department of Education. It is already a part of the Department.

MEMBER RAY: Okay, good. Thank you very much.

MR. MENDOZA: If I could offer a point of clarification there, Mr. Chair?

CHAIRMAN ACEVEDO: Yes. Who is this?

MR. MENDOZA: Bill Mendoza.

CHAIRMAN ACEVEDO: Thank you, Bill. Sorry, your voice sounded different all of a sudden.

MR. MENDOZA: Oh, sorry. We are in the office here on the conference line.

CHAIRMAN ACEVEDO: All right.

MR. MENDOZA: So just to make it clear, I was talking about American Indians and Alaska Native-Serving Institutions, which is different from the Native American-Serving, Nontribal Institutions Program here at Department of Education.

When we looked at kind of the acronym as the NASNTI Program, a five million dollar program that services approximately 18 grantees annually, one of the criteria for eligibility under that program was not just a percentage of students but a determination of needs amounted to a level of consideration around Pell Grant eligibility and that it could be appealed by the institution to be able to seek access to be being eligible to that grant program.

But it was not inclusive of additional American Indian and Alaska Native-Serving Institutions that were either borderline or potentially eligible in some other way around that low socioeconomic determination or need.

So we chose just a broader percentage and then a proportion of student counts, 300 students or more to kind of represent potentially eligible Native American-Serving, Nontribal Institutions. It gave us a much broader number.

To give you those numbers specifically, there are approximately 48 eligible NASNTI institutions that we identified that could be eligible for that program based off just what we knew about them. But it went to 99 institutions when we just looked at the sheer percentage and count the students above 300.

I just hope that helps to kind of clear it up. I don't want you to confuse the Native-Serving Institutions definition that I spoke about with the NASNTI program. It certainly increases but it is not exhaustive.

MEMBER RAY: This is Alan Ray. I am going to have to leave you at this point but thank you all for a good call and I look forward to seeing you in the fall.

CHAIRMAN ACEVEDO: Thank you, Alan.

MEMBER BUTTERFIELD: Alan, thank you so much for all your work.

CHAIRMAN ACEVEDO: Yes, thanks, Alan.

MEMBER WHITEFOOT: Being on the Committee and seeing your work here, I really appreciate all that you have done. Know that the Committee thanks you. And I agree with Robin that we should do one follow-up meeting but thank you for all your work.

MEMBER RAY: It is my honor to work with the group and all of you. Thank you. Be well.

MEMBER NEWELL: Thank you, Alan.

CHAIRMAN ACEVEDO: Thank you. The Chair will introduce a motion to adjourn.

MEMBER BUTTERFIELD: So moved. This is Robin.

MEMBER WHITEFOOT: This is Patsy. Second.

CHAIRMAN ACEVEDO: Moved by Robin. Who seconded?

MEMBER WHITEFOOT: Patsy.

CHAIRMAN ACEVEDO: Patsy, thank you. All those in favor of the motion signify by saying aye.

(Chorus of aye.)

CHAIRMAN ACEVEDO: Those opposed say nay. There being none, we are adjourned.

Thank you all.

(Whereupon, the above-entitled matter went off the record at 12:59 p.m.)