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U.S. DEPARTMENT OF EDUCATION
TRIBAL CONSULTATIONS

ST. PAUL RIVERCENTER
ST. PAUL, MINNESOTA
SUNDAY, JUNE 28, 2015

1 MR. RON LESSARD: Good morning, everyone.
2 Thank you all for coming. Before we start, I would like
3 to ask Tuffy Lunderman, who is the vice chair of the
4 Rosebud Sioux Tribe, to give us an opening blessing.

5 (Mr. Tuffy Lunderman delivers an opening blessing.)

6 MR. RON LESSARD: Thank you, Tuffy.

7 MR. TUFFY LUNDERMAN: You're welcome.

8 MR. RON LESSARD: I want to thank you all again
9 on behalf of the Department of Education,
10 Secretary Duncan, Joyce Silverthorne, who is the
11 director of the Office of Indian Education, and also
12 William Mendoza, who is the executive director of the
13 White House Initiative on American Indian and Alaska
14 Native Education.

15 I want to welcome you and thank you for coming
16 this morning. My name is Ron Lessard. I am Mohawk. My
17 family is from the Kahnawake Mohawk Reserve. I am the
18 chief of staff for Bill Mendoza, the White House
19 Initiative on American Indian and Alaska Native
20 Education.

21 A couple of things I want to mention today.
22 We're also doing a video feed, so those -- please speak
23 clearly into the microphones when you speak so that
24 others can hear. And also, those on the video feed, you
25 want to do the same.

1 So with that, I would like to ask my colleagues
2 from the Department of Education to introduce themselves.

3 And one other thing. If there are other tribal
4 leaders, please join us at the table. And then with
5 that, we'll ask my colleagues to introduce themselves.

6 MS. MARGARET LEVY: Good morning. I'm
7 Margaret Levy with the Budget Service at the
8 U.S. Department of Education.

9 MR. ALEX SANCHEZ: Good morning, everyone. My
10 name is Alex Sanchez. I'm in the Office of the Secretary
11 at the U.S. Department of Education. We're happy to be
12 here.

13 MR. RON LESSARD: Great. We're going to begin.
14 I think I would like to go around and ask our tribal
15 leaders to also introduce themselves.

16 MS. CINDA HUGHES: Cinda Hughes. I'm
17 Legislative Affairs Director for the Consortia of
18 Administrators for Native American Rehabilitation.

19 MR. LYLE COOK: Good morning, everybody.
20 My name is Lyle, Consortia of Administrators for
21 Native American Rehabilitation. I am the president of
22 our Consortia of Administration for Native American
23 Rehab. And amongst our people, I'm considered a common
24 man. And once a -- I extend a greeting to each and every
25 one of you with a good heart. And it's stated that it's

1 good to see each and every one of you here this morning.
2 And thank you for letting us come today and participate
3 in this consultation.

4 MR. TUFFY LUNDERMAN: Good morning again. My
5 name is Tuffy Lunderman. I'm the vice president of the
6 Rosebud Sioux Tribe, and I'm also here representing the
7 Great Plains Tribal Chairman's Association. I'm the
8 designated education representative for that
9 organization.

10 MR. RYAN RILEY: Good morning, everybody. My
11 name is Ryan Riley. I'm from the Pueblo of Laguna in
12 New Mexico. I'm one of their tribal council members here
13 today.

14 MR. RON LESSARD: Thank you. Welcome. And for
15 other folks that are attending, when we come to the
16 public comment period, if you have questions, state your
17 name and where you're from, and we'll do that.

18 So with that, I would like to start. We're
19 going to give you an overview of the Department of
20 Education. We'll talk about a few things. And then at
21 that point, we'll open it up for the tribal leader
22 comments.

23 MR. ALEX SANCHEZ: So the first thing I'll do
24 is I'll just kind of go over the agenda, some of the
25 items that we're going to discuss today. So, obviously,

1 we've already done our welcome. We're going to talk
2 about Indian education as it relates to the Department of
3 Education and the Department of the Interior. And then
4 we're also going to talk about our formula program map,
5 discretionary program maps. We're going to talk about
6 STEP and NYCP. And then we're going to talk about our TA
7 contract that's going to be awarded this year before we
8 turn it over to the White House Initiative to kind of do
9 a deeper dive on some of those pieces.

10 The first thing I want to talk about is kind of
11 how we're a little power organized. Obviously, on the
12 left side, you see the Department of Education. There's
13 two main offices that really do a lot of this work.
14 Under the Office of Elementary and Secondary Education,
15 you have the Office of Indian Education. And then under
16 the Office of the Under Secretary, you have the White
17 House Initiative. The White House Initiative also kind
18 of lives at the White House. It's kind of like a two
19 portion. They live in both places. And then, of course,
20 I'm here as the Office of the Secretary. It's a
21 secretarial priority, so it's important to us as well,
22 although we don't have an official role, so to speak.
23 And then, of course, is the Department of the Interior,
24 and that would be the Bureau of Indian Affairs and the
25 Bureau of Indian Education. But that's just some kind of

1 primer on some of the information that we're going to
2 talk about next.

3 MS. MARGARET LEVY: Thanks, Alex. So the
4 Department of Education is the main federal agency for
5 serving children in public schools. And one of the big
6 differences between the Department of Education and the
7 Bureau of Indian Education is that we don't run schools
8 the way the Bureau of Indian Education does. However,
9 93 percent of Indian students are in public schools, so
10 they are in schools that we serve, and we feel we have a
11 big responsibility to make sure that we are serving them
12 well. And we do that through a number of different ways,
13 through grants primarily, including formula grants,
14 competitive grants, and then federal student aid, which
15 is college loans. We also -- the Department of Education
16 also collects data and oversees research, identifies
17 major issues in education, and tries to highlight those
18 issues and bring national attention to them so that we
19 can try and fix them, enforces statutes. And the major
20 one is ensuring equal access to education.

21 The Office of Indian Education has three
22 different pots of money. The first is a formula grant
23 program, which provides grants to school districts, BIE
24 schools and tribes that serve Indian students. And
25 that's the main funding source that we have for Indian

1 students.

2 We also run a number of competitive grant
3 programs, including the Professional Development Program,
4 Demonstration Program, and then the Native Youth
5 Communities Project under the Demonstration Program,
6 which is new this year, and the State Tribal Education
7 Program, which is in its second iteration.

8 And the Office of Indian Education also funds
9 national activities, which includes NACIE meetings,
10 providing technical assistance to grantees and to
11 applicants. They collect data through the National
12 Indian Education Study so that we know how our Indian
13 students are doing, and provide support for consultations
14 such as this and other contractual support for our Office
15 of Indian Ed. and our grantees.

16 So next I'm going to go through very quickly a
17 couple of maps. It will just give you an idea of where
18 the Office of Indian Ed.'s grantees are. This one is for
19 the Formula Grant Program. And there are grantees in
20 almost every state, although the number of grants and the
21 amount of funding that goes to each state varies, which
22 is probably not surprising to any of you.

23 And then the next slide is for our Professional
24 Development Program, and that touches many fewer states,
25 but it still gives a good sense of where our grantees are

1 located.

2 And then the last one is the Demonstration
3 Grant Program.

4 MR. ALEX SANCHEZ: And it's also worth noting
5 that these are available on our website, so the numbers
6 are a little small. You can't really read them too well
7 here. But they are available on our website, so if you
8 want to do a deeper dive on any of those pieces, you can
9 do that as well.

10 MS. MARGARET LEVY: Thanks.

11 MR. ALEX SANCHEZ: Yeah, not a problem.

12 The next piece I'm going to talk about is kind
13 of to our main kind of programs that we have, the first
14 one, STEP, and the second one, NYCP. So I think in terms
15 of NYCP -- it's Native Youth Community Projects -- it's a
16 new program. Actually, application is due tomorrow. But
17 essentially, what it is is it's super flexible money.
18 Communities can identify what they see as the largest
19 barrier to college and career readiness in their
20 community, and they can do a partnership with an LEA, a
21 BIE funded school or tribe in order to kind of work
22 towards kind of a solution on that sense. It's based on
23 a local needs assessment, and it provides direct services
24 to students, which is great.

25 The other program that the application has

1 already closed on is STEP. And what the purpose of that
2 is is to create a tribal education agency capacity and
3 also build relationships with the LEA and the SEA. So
4 the idea is that a tribal education agency will perform
5 administrative functions for at least one of the SEA
6 formula grant programs in eligible schools. The big
7 difference between the two as well is that this does not
8 provide direct services to students. But those are the
9 main two pieces that we have on that front.

10 The other thing that's worth note is that there
11 is a technical assistance contract. Over the past couple
12 months, there's been a series of webinars that are
13 actually still available online, so if you want to look
14 at them, they're just great resources. They kind of talk
15 a little bit about the difference between the two
16 programs. They also talk about the different things that
17 tribes need to do in order to be prepared for these
18 competitions as well. As kind of a little bit more
19 nuance, there's a TA contract that exists now. There's
20 going to be a new technical assistance contract for year
21 one grantees and then pre-application for year two and
22 beyond. But I just wanted to provide this information as
23 kind of background for everybody.

24 MR. RON LESSARD: On Impact Aid, there's a
25 proposed -- potentially proposed rule changes. And

1 that's -- we're going to do webinars on those two dates
2 to provide that information, so we'll send out
3 information. Please check the website for additional
4 information on the Impact Aid Program and what potential
5 changes there might be to that. So those are on those
6 two dates.

7 Yes.

8 MR. RYAN RILEY: By chance, do you have like a
9 brief summary that you can provide us here today?

10 MR. RON LESSARD: I don't think we have a brief
11 summary.

12 MR. ALEX SANCHEZ: No.

13 MR. RON LESSARD: No, we don't.

14 SPEAKER: It was posted in the Federal Register
15 a couple weeks ago.

16 MR. RON LESSARD: The Federal Register, yes.
17 And then the -- but really, the consultation discussion
18 questions are on those two dates. We'll have people that
19 will be available to answer those questions.

20 MS. CINDA HUGHES: Would it be appropriate to
21 ask a question at this time about that Impact Aid tribal
22 consultation, or would that be better served later on?

23 MR. RON LESSARD: Probably better, yeah.

24 MS. CINDA HUGHES: Okay.

25 MR. RON LESSARD: I think it would be better

1 because we'll have people that will be able to answer
2 those questions better than we could today, so.

3 MS. CINDA HUGHES: What I was going to ask is
4 what type of consultation is it. Is it a listening
5 session? Is it a formal tribal consultation? Are the
6 people going to be able to ask questions, or is it
7 just -- or is it going to be, you know, like this?

8 MR. RON LESSARD: Right. It will be listening
9 session questions, opportunity after that to weigh in on
10 the proposed changes. I think the two webinars will
11 provide ample time to weigh in on those. There may be an
12 additional one after that, too. So we want to get
13 comments during those times from the tribal leaders and
14 others.

15 Okay. Like I mentioned, I work with
16 William Mendoza, executive director of the White House
17 Initiative on American Indian and Alaska Native
18 Education. This was created by Executive Order 13592 in
19 2011.

20 This is just a general description of what we
21 do. And you saw in the org. chart not only do we fall
22 under the Office of the Under Secretary in the Department
23 of Ed. but that we also work very closely with the
24 White House. And as you see, we support the activities
25 that strengthen the nation by expanding education

1 opportunities and improving education opportunities for
2 all American Indian and Alaska Native students.

3 I want to mention a few things that are
4 happening this year. Several of you are familiar with
5 this, but we want to make sure that we kind of reiterate
6 some of the work we've been doing. From the White House
7 Tribal Nations Conference last year, the President
8 announced the Generation Indigenous, the National Youth
9 Tribal Network. In addition, we had the Cabinet
10 Secretary tour and have the White House gathering coming
11 up. So the Generation Indigenous came as a result of
12 President Obama and the First Lady coming back from
13 Standing Rock. They visited Standing Rock and then
14 launched the Generation Indigenous at the White House
15 Tribal Nations Conference.

16 The Tribal Youth Network, it's a partnership
17 with the Aspen Institute, the Center for Native American
18 Youth. Their website now has several things on
19 Generation Indigenous, including a Tribal Leader
20 Challenge and a Native Youth Challenge. Also, we did
21 recently the Cabinet Secretary Tour. Secretary Duncan
22 attended two urban Indian centers in Denver and met with
23 native youth, and also we held a basketball clinic. But
24 one of the things that the President asked was that all
25 the secretaries -- all the cabinet secretaries get out to

1 Indian Country and see what's happening and hear what's
2 happening like he has.

3 Again, this was coming from the conference, the
4 Tribal Nations Conference, but also building on the
5 President's initiative.

6 So this circular just gives a brief kind of
7 overall look at how Generation Indigenous is kind of laid
8 out with the Native Youth Challenge, the Cabinet Youth
9 Listening Tour, the Tribal Leader Challenge, the White
10 House Tribal Youth Gathering, and the Public/Private
11 Partnerships. And then we mentioned the Native Youth
12 Community Project, and ongoing is the BIE reform, which I
13 know most of you are familiar with that.

14 In the Tribal Leader Challenge, again, we are
15 asking tribal leaders and tribal youth to become engaged
16 in this ongoing program.

17 Pardon me for having to turn around. I'm not
18 hooked up to that.

19 SPEAKER: There you go.

20 MR. RON LESSARD: Thank you.

21 MR. ALEX SANCHEZ: Much better.

22 MR. RON LESSARD: Now we're on the same page.

23 Again, I want to reiterate what President Obama
24 has done in Indian Country. Very important after coming
25 back from Standing Rock. But that was just the beginning

1 of many of the things that we've initiated around native
2 youth.

3 Again, one of the things that were passed
4 through in the White House Initiative not only within the
5 Department of Education but working in tandem with the
6 White House are these things you see building on the
7 TEAs, tribal organizations, tribal IHEs, also, obviously,
8 working very closely with public schools. As Alex
9 mentioned, there are only -- or Margaret might have
10 mentioned, that only about 7 percent of our Indian
11 students are in BIE schools, the remainder being in urban
12 Indian schools, public schools. You know, that's our
13 focus. And that's often a daunting task to reach out to
14 all the public schools in the country, but we do that and
15 then again doing that in a culturally appropriate way
16 looking for that support from the school systems.

17 I want to talk briefly about the School
18 Environment Listening Tour that we did this year. As you
19 can see, this is about our civil rights data, which is
20 available on our site. But the main thing we wanted to
21 mention is that we conducted a nine-city School
22 Environment Listening Tour throughout the country. We
23 heard and have testimony from native youth. Over 1,000
24 people attended, probably over 300 native youth. We're
25 in the process now -- we're in the final stages of

1 completing that report. And the report will certainly
2 indicate and show how harmful the disproportionate
3 funding, the effects of mascots and the effects of other
4 offensive imagery. This is something that, you know,
5 you're seeing a lot of movement. I would have to say I
6 would direct everyone to Indian Country today. A couple
7 of weeks ago, I believe Secretary Duncan came out with a
8 statement about that -- about the use of mascots. This
9 is just a general map, but it's -- if you see on the map,
10 you know, a lot of what people are seeing is that it's
11 not always in Indian Country, which is in the Southwest
12 or in South Dakota and other places, but we see it -- a
13 large portion of the United States in the Northeast still
14 has indigenous-based mascots. And the report we've heard
15 from several school districts and others that, when we
16 have that available, will be very helpful. We've had
17 several cases where the Native youth that were at the
18 listening sessions were invited to come to the school
19 district, to the board of directors and speak to the
20 school board. And in some cases, they have actually
21 changed the name. And so that's very powerful hearing
22 from our young people.

23 I put this up there. We work very closely with
24 our Office of Civil Rights. And all the listening
25 sessions that we went to that we conducted with native

1 youth, our Office of Civil Rights was there to provide
2 information on where someone can file if there's a
3 discrimination complaint, what they can do. And so
4 there's a way on the Department of Education Office of
5 Civil Rights' website.

6 Real quickly, and then we'll get to our
7 comments. But the Native Language Work Group was created
8 with the Department of Education, with HHS,
9 Administration for Native Americans, and BIE, Bureau of
10 Indian Education, around the programs and initiatives for
11 their retention and preservation of native languages. I
12 think it was the first time that three federal agencies
13 actually came together around this issue, and we're
14 moving forward. We did the Native Language Summit in
15 2014, which was held in conjunction with ANA's grantee
16 and our project director's meeting. This year we'll be
17 conducting on September 10 at the Association of Tribal
18 Libraries and Museums a full-day pre-day, which will be
19 the Native Language Summit 2015. However, moving
20 forward, we want to -- we're getting such a good response
21 and realized that that's just not the only place and the
22 only time we should do that, that we should continue this
23 throughout the year so that we can identify resources for
24 tribes and tribal organizations, so where people can go
25 for, you know, resources around the retention and

1 revitalization of native languages.

2 One thing very important. We've sent out kind
3 of an inventory document to all the federal agencies
4 asking for their input on what they're doing around
5 native languages. It could be grants. It could be other
6 sources of funding. It could be different initiatives,
7 support the immersion programs. We're in the process of
8 gathering that information now, and we'll provide a
9 resource guide based on just the federal agencies, what's
10 available.

11 So with that, if you have any questions, I
12 think now we would like to go to our tribal leader
13 comments. Is that right?

14 MR. ALEX SANCHEZ: Yes.

15 MR. RON LESSARD: Yes. Thank you.

16 SPEAKER: You may have addressed this already.
17 Are we able to get a copy of your PowerPoint?

18 MR. RON LESSARD: I'm sorry?

19 SPEAKER: Are we able to get a copy of your
20 PowerPoint?

21 MR. RON LESSARD: Yes.

22 SPEAKER: Oh, great. Thank you.

23 MR. RYAN RILEY: Would it be possible to go
24 back to that slide so I can get that information off it?

25 MR. RON LESSARD: Sure.

1 MR. RYAN RILEY: There's a two federal register
2 notices poster right now regarding construction, the one
3 that you're asking for, the listening sessions.

4 MS. MARGARET LEVY: The Impact Day?

5 MR. RYAN RILEY: The Impact Day, yeah.

6 MR. RON LESSARD: Sure.

7 MR. LYLE COOK: It should be in your --

8 MR. RYAN RILEY: They didn't have those
9 available when I came in.

10 SPEAKER: I'm going to take advantage of the
11 break. I'll hand this out.

12 MR. RON LESSARD: Could I ask the gentleman
13 that joined us at the table to introduce yourself?

14 MR. GARY WALKER: Gary Walker from the
15 North Fork Rancheria.

16 MR. ED PORKENHORN: Ed Porkenhorn from the
17 North Fork Rancheria.

18 MR. RON LESSARD: Do we have any questions? Is
19 that the slide you wanted?

20 MR. RYAN RILEY: Yeah. I just got a packet
21 just now. Thank you.

22 MR. RON LESSARD: Okay. Great. So again, this
23 is a time we can open up for comments. We would like to
24 ask tribal leaders to provide comments first, and then
25 we'll go to public comments.

1 Yes, sir.

2 MR. RYAN RILEY: I can start. Again, my name
3 is Ryan Riley. I'm from the Pueblo of Laguna in Mexico.
4 And a couple of comments regarding the Impact Aid, and
5 not having a chance to review the information just yet,
6 one of the reasons the Pueblo of Laguna is here today is
7 to garner support for amendments to the Impact Aid
8 regulations where it allows states to implement the
9 equalization formula. We're one of three states,
10 New Mexico, Kansas, and Alaska, that allow states to
11 equalize the formula. And what that's resulting in is
12 the tribal students in New Mexico are receiving about
13 25 cents on the dollar for education, which is resulting
14 in lack of funding at our local state high school. We're
15 one of the few tribes that have a county or state school
16 on the reservation. We have an elementary/middle school
17 that are a BIE grant school. So that's one of the areas
18 that we're very concerned with.

19 A couple of months ago, the Department of Ed.
20 had a listening session similar to this in Albuquerque,
21 and we did let them know. The State of New Mexico was
22 present, their educators. So we feel that is something
23 that is very important where 47 of the other states
24 choose not to do the formula equalization, but,
25 unfortunately, ours does. So we're not concerned just

1 with our school on the reservation but all the schools
2 that have native students, which predominantly in
3 New Mexico is that case.

4 So I can provide you a copy of the resolution
5 that we'll be presenting tomorrow in the hopes that we
6 can be able to make some headway in that endeavor. So
7 those are my comments for today. Thank you.

8 MR. RON LESSARD: Thank you. Tuffy?

9 MR. TUFFY LUNDERMAN: Thank you. My name is
10 Richard "Tuffy" Lunderman, vice president of Rosebud
11 Sioux Tribe and also here representing the Great Plains
12 Tribal Chairman's Association.

13 The Great Plains Tribal Chairman's Association
14 is made up of Oceti Sakowin, which is better known as the
15 Great Sioux Nation, and other tribal nations that are
16 members that aren't part of the Oceti Sakowin. And in
17 our area, we have the worst educational statistics in
18 maybe the world, but for sure in the United States and in
19 all of Indian Country. South Dakota and North Dakota are
20 the two worst states. And it reflects badly on
21 everything that is us and especially our children and has
22 nothing to do with learning, you know. But that's the
23 perception it's given. And we're really concerned with
24 that. But we all know the history, you know. But still,
25 I'm going to, you know, talk about it a little bit.

1 Education is still tied to the assimilation
2 process, especially public education. And until
3 education becomes educational for us and not still a
4 practice of assimilation, we're going to struggle. Our
5 kids are going to struggle. And it is not a learning
6 issue. You know, I want to emphasize that.

7 A big factor in this whole thing is trauma.
8 That has to be addressed. It has to be acknowledged. It
9 has to be a healing process now as a part of the
10 educational process, and it has to be on both sides. The
11 Federal Government needs to acknowledge. And we're not
12 trying to make anybody feel guilty about this or
13 anything. It's a fact that it happened, and it's a fact
14 that it still affects what is going on in the classroom
15 today. A lot of the behaviors that we see in the
16 classrooms are directly tied to this generational trauma
17 that's been handed down since the boarding school
18 policies and the Catholic schools and other, you know,
19 types of disciplinary actions that were taken that were
20 severe and inhumane. And it's important, because if we
21 see what's going on in our nations today as the problem,
22 then we're missing the boat. Sure, there's a lot of
23 violence. There's a lot of bad things that are happening
24 in our nations. But to say that that's the problem, then
25 that's going to determine you're going to deal with it in

1 a different way than if you see them as being symptomatic
2 of a bigger problem, which is that generational trauma.
3 So that really needs to be addressed. We need to sit
4 down with people across the table. We need to
5 acknowledge that. And that's the only way we can heal.

6 We're concerned, you know, there's lot of --
7 Congress is constantly told that the Bureau of Indian
8 Education receives more money per student than the public
9 schools. Well, maybe at the appropriation level that
10 might be true. But by the time that money filters down
11 through that bureaucratic system and gets into the
12 classroom, it's far from the truth. A lot of those
13 instructional dollars don't end up in a classroom because
14 other things are not funded properly. And I know this is
15 DOE, and this is a BIE problem, but, you know, with
16 President Obama's initiative, they're closely tied
17 together now. The strategic plan came out of DOE and DOI
18 both, and that's what we're talking about. School
19 budgets are not funded. O&M, transportation,
20 construction, you know, we've heard -- we've been at the
21 hearings. We know what the numbers are. And so the
22 instructional dollars, a lot of times schools have to be
23 put in the position do we buy classroom materials or do
24 we pay our heat bill so we can keep the school open. You
25 know, what's the point in buying books if you can't keep

1 the room and the school warm so kids can go there and be
2 in a true learning environment? So those misconceptions,
3 you know, also have to be addressed properly. We have to
4 quit telling, you know, the American public that Indian
5 kids are funded and basically that the tribal governments
6 are not using that money correctly and everything. You
7 know, that's again part of that myth that's out there.

8 We want to have a bigger role in the Impact Aid
9 process. Right now tribal governments do not, you know.

10 And with the STEP application grant, you know,
11 really, once again, we're put at the mercy of even the
12 local public school board now, because if they disagree,
13 then that ends the application. You have to have the
14 State Department of Education on board, and you have to
15 have your local school board on board also. And, you
16 know, it's unfortunate, but this is the way it really is,
17 at least where I'm from. We still have a lot of this
18 frontier mentality that exists. And that's still a part
19 of that stuff that's handed down generation to
20 generation. These immigrants, they're members of
21 families that were immigrants that came to our
22 reservations, you know, 150 years ago. They have their
23 stories. They tell their children generation after
24 generation those stories. So there's still a lot of that
25 racism that exists. And they lease our lands, and so

1 they're in control a lot. So these public school boards,
2 we don't always have tribal members on there. And so
3 when we come forward and say that we want to include
4 culture, which should be when you have a public school
5 district that is 98 percent Indian, does it make sense
6 not to teach culture, not to teach language, not to teach
7 Lakota history? It doesn't make sense to us. But when
8 we want to -- when we want to apply for this grant, and
9 you have these immigrants that are controlling the school
10 system, and they say no, then what do we do? That
11 process -- it's good intentions, but that process has to
12 be made more effective to benefit those 98 percent of
13 that school population that are tribal members.

14 We are proponents for tribal control meaning
15 that we want to have more control over the dollars that
16 come to educate our kids. Who knows better? We do
17 because we live with it every day. They're right there
18 in our midst. And in the nation building process --
19 throughout the world, nation building is done through
20 education. Education is the process where they create
21 strong citizens. They create patriots. That's what we
22 need to be doing within our nations. We need to be
23 creating strong tribal citizens, people who will then be
24 able to be productive in that other world that we talk
25 about when we talk about two worlds. They will be

1 prepared to go out there and be productive in that global
2 society. But as it is right now, we have a hard time --
3 a lot of our kids have a hard time being comfortable in
4 their brown skin. They have a hard time learning their
5 language. That whole assimilation process has been so
6 effective, that conditioning that's happened, that now
7 it's up to us. We have to turn that around, and we need
8 the resources to do that. But we also need the, if you
9 want to say political control to be able to do that.

10 At Rosebud, we've had a tribal education code
11 that's been there for nearly 25 years, but it's just been
12 laying on a shelf because the money has not been
13 appropriated to allow us to implement that code. And our
14 code speaks directly to how Rosebud believes they should
15 educate their tribal members, their children. And it
16 is -- and it talks about how important language is, how
17 important spirituality is, how important history is.
18 That's how we want to educate our kids, because there's a
19 lot of depression in our schools, in our kids, because,
20 again, it's generational trauma. And so there has to be
21 a lot of character education built into the curriculum,
22 into the methods and standards.

23 Accreditation is a big part of it. That's
24 validation. We need to validate ourselves. It is time
25 that the non-Indian world quits validating us and telling

1 us who we are and how we should be. You know, it's time
2 to quit telling us we have to be this good Indian.
3 That's the world I grew up in when I was in school back
4 in the '50s. You had to be a good Indian. Basically,
5 it's don't make waves, you know. We still have incidents
6 in South Dakota where our children are referred to as
7 "prairie niggers," "wagon burners." We had a Rush hockey
8 incident in Rapid City, South Dakota, where beer was
9 spilled on our kids. Those kind of things have to stop.

10 I have a granddaughter who is an enrolled
11 member of the Mississippi Choctaw Nation. Her name is
12 Hailey Lunderman. She was the Softball Female Athlete of
13 the Year for two of her four years of high school. This
14 year she was the Female Softball of the Year player in
15 the whole state of Mississippi. She won the Gatorade
16 Female Athlete of the Year for softball in the State of
17 Mississippi. She represents that whole state. She
18 represents that public school system. So when I went
19 down there for her graduation, their Junior ROTC brought
20 the colours in, and there was the American flag, and
21 there was the Confederate flag.

22 In South Dakota, Lakota children still have a
23 hard time being able to wear an eagle feather in their
24 hair during graduation. Now, there's something
25 drastically wrong with that picture, and it is not just a

1 Lakota issue, and it is not just a south issue with the
2 Confederate flag. It is a national issue for this
3 country, because that flag represents the attitudes. And
4 when you tie, you know, the education -- I mean, you're
5 talking about -- we have a hard time. High school
6 graduation rates are a big deal. Attendance rates are a
7 big deal. And when you have a section of the country
8 that symbolizes something that's in direct conflict with
9 that American flag, there's something wrong there. That
10 eagle feather comes from the bird that symbolizes the
11 United States. We have always honored that. We do it
12 respectfully.

13 We are not mascots. That is something that has
14 to be addressed across the country. It does have an
15 effect. I see up here on your presentation, it said it
16 could have. There's no could about it. It has a
17 negative effect. We are -- if we're mascots, we are less
18 than human. And that has been the whole thing about how
19 we have been treated educationally, because it was an
20 inhumane process, because it gets back -- it goes back a
21 long ways. It goes back to some Pope who said -- gave a
22 monarch the permission to treat indigenous people, to
23 dispossess them of their humanity, of all their rights,
24 of their lands. And if they don't agree, you can do
25 whatever you want to them. You can behead them. You can

1 cut off limbs. You know, you can do anything you want to
2 them. And that has carried down. And that still has a
3 lot to do with the attitudes and the way that we are
4 treated and represented.

5 So we're here to try to overcome those things.
6 And we need to have really open end discussion, not
7 politically because there is no political solution to
8 those kinds of things. It's a human solution that is
9 going to have to happen. And we are humans. Our kids
10 are humans. So we're here to talk about a nation
11 building process that is strengthened and made more
12 effective through an education system that is culturally
13 relevant and appropriate. And let us take care of that.
14 Give us the opportunity and resources, but work with us.
15 Don't work against us. Work with us because we have the
16 resources. We continually send out people who have
17 graduated from high school out into all the colleges and
18 universities around this country. And the whole idea of
19 education is you're supposed to be able to come back and
20 affect your conditions locally. But we're not allowed to
21 use that education to do that because we're always tied
22 up in red tape. The laws tell us tribes can do about
23 anything you want to do in education. But once you start
24 taking those federal dollars, and you get all the red
25 tape that's attached to them, and you start using title

1 money, now you get into the [inaudible], and it tells
2 schools you've got to sign these insurances. If you
3 don't, you don't get the money, if you don't do it this
4 way, if you don't use these resources to teach. You
5 know, they practically in a lot of cases even wrote out
6 the lesson plans for people.

7 You know, we know better. We deal with those
8 needs on a daily basis. We see those behaviors in the
9 classrooms. We have resources available. The BIA wants
10 to bring in IHS and reform it in a system, too. But we
11 have spiritual leaders right there at home who can
12 effectively deal with a lot of these issues. But I don't
13 see anywhere where they're brought into the picture,
14 allowed to be utilized as a resource because they have
15 proven to be as effective, if not more effective, in a
16 lot of instances in dealing with a lot of these
17 social/emotional needs that are there for our kids. When
18 our tribal members wake up every morning, they don't call
19 Dennis Daugaard, the Governor of South Dakota, or they
20 don't call Barack Obama. They call William Kindle, who
21 is the president of the Rosebud Sioux Tribe, or they will
22 call a local representative. They don't call John Doe,
23 because that's their immediate need, and that's the world
24 they live in, and that's where we have to have the most
25 effect and be able to turn this tide around, because we

1 can do it, but it's not going to happen overnight. It's
2 taken centuries for it to get to this point. It's going
3 to take a while. And a lot of times we're provided
4 resources, but you've got two years or three years to do
5 it. It isn't going to happen. It is not going to
6 happen.

7 We need to be respected. We have people who
8 have done tremendous amounts of research in education,
9 tribal people. That needs to be respected, and we need
10 to be able to utilize it. We have educational experts,
11 our own experts out there. We need to be able to use
12 them, and they need to have the freedom to be able to use
13 their creativity.

14 Some of the amendments that are happening, I
15 see where NIEA is supporting Udall. I guess out in Great
16 Plains, we don't necessarily agree with that. And these
17 solutions should not come down to a democratic majority.
18 I mean, we here at NCAI, a large membership. So we still
19 end up fighting against each other. An example is,
20 throughout the country, out of 500 and some tribal
21 nations, there's only 160 some that actually have a court
22 system. But when you get into the NCAI process, even if
23 every one of us prioritized courts as a budget priority,
24 you still have over 300 that wouldn't because they don't
25 have a court system. Why would they? So it's useless.

1 And a lot of these tribes that have court systems are
2 treaty tribes, land-based tribes, have boundaries, and
3 that's important to them. So we have to quit looking at
4 this as a one-size-fits-all under that word "Indian,"
5 because that's what happens, and we end up fighting each
6 other for these little pots of gold. That's not going to
7 solve any problem. It destroys us. There's no string of
8 cooperation there. There's no wolakota there, none at
9 all. And I can understand that because I don't think
10 this country understands wolakota. It doesn't. But it
11 could if we could sit down and talk to each other in a
12 humane way.

13 Thank you.

14 MR. RON LESSARD: Thank you. Appreciate that.

15 Do we have other tribal leader comments?

16 There are two things I wanted to mention, and I
17 appreciate you saying trauma. The Senate Committee of
18 Indian Affairs just recently did a hearing on youth
19 suicide. And one of the very important things about
20 talking about our native youth was talking about this
21 relationship between education and staying in school.
22 School sometimes is the only safe haven. But a lot of
23 discussion around trauma, historical trauma, generational
24 trauma. And I can truly appreciate what you're saying.
25 My mom was in the boarding school system, and I grew up

1 with those stories.

2 One of the things that was mentioned about
3 trauma is daily trauma. Sometimes the trauma that one
4 has just even that morning, and often, society likes to
5 look at trauma as something that's just historic,
6 where -- and yet, it could be not having food. It could
7 be the environment in your home, the environment in your
8 school. And so I think it's something that more
9 leadership, you know, certainly the Federal Government
10 needs to address. I'm really proud of Secretary Duncan
11 and the stand that he has taken on many of these issues.
12 He certainly has held several youth roundtables, listened
13 to -- you know, traveled to Indian Country. And I was
14 really proud that he had the courage to stand up about
15 the mascot issue recently. And I think we need more
16 leadership like that on the federal side. So thank you.

17 MR. RYAN RILEY: Can I just add one item that
18 the gentleman brought up? And that's just really the
19 fundamental problem or issue with the structure of the
20 education process. You have the Bureau of Indian
21 Education that basically covers native schooling up until
22 sixth grade -- or eighth grade. Eighth grade. And then
23 at that point in time, you either go to the state for
24 public school, or there is some opportunity that --
25 there's BIE. There's BIE high school, a boarding school

1 still available in some locations. So as tribal leaders,
2 at some point in time we're going to have to figure out
3 what that -- how we're going to fill that gap. We had
4 some dialogue recently regarding a charter school in
5 Laguna. But there again, they were state charter
6 schools. And we still have to go through the state
7 conditions, the state stipulations. And it almost seems
8 like it was self-defeating. What we chose to do was to
9 work even more closely with our local school district
10 hoping that this endeavor with the equalization formula,
11 change in the amendments would make some headway in
12 providing more resources to our local schools. Just
13 because the tribal nations may not have high schools on
14 their reservations, but they still have that native child
15 that wherever they go that money should be following
16 them. And that's not the case. The majority of our
17 Impact Aid money goes off to areas in New Mexico that do
18 not even have native kids. And we realize that there's
19 going to be a tremendous fight in front of us convincing
20 our congressional delegation that this is the right thing
21 to do. But at this time, that's one of the only -- one
22 of the only alternatives that we have right now. But
23 trying to get tribal nations and Department of Ed. to
24 develop a structure for tribes to develop their own high
25 schools without having to go through the state, that

1 would be the perfect dream situation to develop their --
2 in all different federal agencies, you have this moving
3 away from having the tribes going through the state for
4 consultation or for funds. And that's been a good push.
5 But in the Department of Ed., we still haven't seen that
6 yet. And I would hope that some day -- and we would hope
7 that the Department of Ed. would come to us and ask that,
8 what's that solve -- what that would look like. And I
9 would say that, similar to all the other legislation and
10 the regulations, work with the tribes directly in setting
11 up a high school or some sort of structure that doesn't
12 include -- I mean, they can collaborate and communicate
13 with us with the tribal nations, but we would like that
14 face to face working with the Department of Education.
15 And what President Obama has very eloquently said
16 throughout his tenure is he wants to work with tribal
17 nations. And that would be -- what other better way to
18 do it than with working with the nations on this
19 education bit? Let's break that barrier that's developed
20 around tribal schools. Let's not fight with the state
21 all the time. We have kids that go to -- choose to
22 either go off the reservation, but that's their decision.
23 We have tribal members that have never set foot on the
24 Pueblo of Laguna. They're all over the world and all
25 over the country. But at the same time, we want to make

1 sure that wherever they're at, they have proper education
2 if they choose to come back to Laguna. I'm one of the --
3 I was raised off the reservation in Las Cruces,
4 New Mexico, so I was a public school kid. I moved back
5 about 15 years ago, and I see the challenges. But
6 nonetheless, I believed that we would have that option to
7 be educated wherever we want but know that at my
8 reservation that we should have that option to have a
9 tribal high school that is funded by Department of Ed.
10 dollars with conditions that the Pueblo of Laguna, among
11 other nations, get together and develop it, because, as
12 you mentioned, sir, it is very important that we have
13 that historical information at our local areas. And it's
14 all different.

15 In Laguna, we never had the full Allotment Act
16 implemented. We had -- even to this day, we have tribal
17 members that want to go to boarding school for whatever
18 reason that may be. I went to one year of boarding
19 school. And so whatever desires they may have, but at
20 least they have the option at home, too. And again, it's
21 no disrespect to the state, but I believe that if you
22 want the tribes to succeed and keeping in mind what their
23 priorities are, that makes common sense to me.

24 So thank you very much for the time and giving
25 me the ability to speak today.

1 MR. RON LESSARD: Thank you. Appreciate that.
2 One thing I wanted to reiterate is that this
3 message will go back to Secretary Duncan. We have
4 Secretary Duncan's staff with us today, and we want to
5 make sure that, you know, he hears your message and that
6 there will be follow-up to this session, that we can
7 answer your questions and get back to you coming from the
8 Secretary's office.

9 MR. RYAN RILEY: Thank you.

10 MR. RON LESSARD: Alex, do you have anything to
11 add to that?

12 MR. ALEX SANCHEZ: I don't have anything.
13 That's great.

14 MR. TUFFY LUNDERMAN: If I could,
15 Tuffy Lunderman, Rosebud Sioux Tribe. The first round
16 with the STEP grant in South Dakota, we formed a
17 coalition with Rosebud, Pine Ridge, Cheyenne River, and
18 Standing Rock. And we developed a grant application.
19 Took months to do that. But the Secretary of State would
20 not -- the Secretary of Education in the State of
21 South Dakota would not sign it. And there's no
22 guarantees in this process. It's competitive. But
23 because the state would not sign it, we didn't even get
24 our -- our grant application was not even reviewed. It
25 didn't even get submitted. That's how much non-control

1 we have when we talk about education of our kids.

2 Now, even again now, you know, this time, I
3 think because we've said a lot, argued with the state a
4 lot, so now I think it will be treated differently. But
5 still, we have limited -- it's still not dependent on us.
6 You know? It's still dependent on that local school
7 board and the State of South Dakota as to if that STEP
8 grant application gets submitted. And like I said, if we
9 have people who do not feel that culture is important,
10 then they will not sign it. They will not agree to it.
11 So tribal control is where it needs to go. And I'm
12 hearing a lot more about tribal control, but we need
13 action, and we need to more -- the language needs to
14 spell out more about what tribal control really looks
15 like. And it isn't really -- it should not be tied to
16 dollars. We should talk about what is the best education
17 that these kids can get and then figure out how do we
18 attach dollars to it and make it happen, because,
19 otherwise, it's still the same ol' same ol', and that's
20 been proven, you know, over and over. It doesn't work.
21 It hasn't worked. It isn't going to work. You know, the
22 smartest man in the world has said that was the
23 definition of insanity, you know, keep doing the same
24 thing over and over expecting different results. And
25 that's what we're doing with the education of Lakota kids

1 throughout the United States. So there needs to be a
2 different discussion. We can't keep saying the same
3 stuff over and over. But how do we come up with
4 effective resolutions and then figure out how we attach
5 dollars to it and get rid of this idea that Rosebud's
6 issues and problems in education are the same as that,
7 because they're not. There's similarities, but they're
8 not. They're not the same. But when you group it all in
9 to try to come up with a national solution, I mean,
10 that's, to me, the -- I don't know how you do that. I
11 don't think there's anybody alive. I don't care how many
12 people you put in a room. You're not going to come up
13 with a national solution, a one-size-fits-all solution.

14 MR. RYAN RILEY: It's true. States can't even
15 do that.

16 MR. TUFFY LUNDERMAN: Yeah. I mean, you know,
17 the problem with -- Sputnik put this country in an
18 educational tizzy. And it hasn't recovered from it. And
19 the education in this country has become stagnant. It's
20 not that it's maybe gotten worse. It's just become
21 stagnant. The rest of the world is going by the
22 United States. And we're caught up in it because we
23 can't do the things that we know will work. We need to
24 be able to do things like they're doing in some of these
25 other countries. If the United States wants to stay

1 stagnant, that's their choice. But we should be able to
2 do something different with the education of our kids
3 because we -- you know, we understand them. We know that
4 Monday morning every kid is not ready to learn. But we
5 don't address that because we can't because we have to do
6 all these assessments, and we have all these rules that
7 we have to follow, and we can't address that trauma that
8 that child might have experienced over the weekend or
9 even maybe just on the bus coming to school. In
10 South Dakota, a lot of kids are on the bus for an hour,
11 hour and-a-half just getting to school, and then they're
12 on the bus again an hour, hour and-a-half getting home
13 from school. There's a lot of things that can happen on
14 those bus rides in that period of time, you know, just
15 kids being kids. You get a senior in high school who
16 gets up that early. You know, he's going to be sleepy.
17 So then he'll stretch out in the seat by himself and make
18 four or five little elementary kids crowd into one seat.
19 That affects that child's learning. They're not coming
20 to school ready to learn. So there's a lot of things
21 that need to be addressed that we deal with daily that we
22 know is going on. But we don't provide that child that
23 comfort. When that little six, seven-year-old walks into
24 school that day, and he's had this rough bus ride, it
25 would be nice if he had a little chi there to comfort him

1 and to say kahoja, everything will be okay today, you
2 know. And if you need me, you come and see me. But
3 that's not the way public education is structured, you
4 know. It's too cold and too inhumane yet.

5 MR. RON LESSARD: Okay.

6 MR. RYAN RILEY: Again, it goes back to that
7 structure. The way we desire to do -- I'm sure there are
8 some tribes that have resources to be a pilot, to have a
9 high school in place that is just what you're saying.
10 But we don't even have the frame work to do that. But
11 we -- again, let me just add to my charter school
12 example. One of the -- it gained some momentum wanting
13 to do tribal specific language, culture, even getting
14 into our clan systems. But when you go through the
15 charter school process, it reminds you that it's
16 inclusive of everybody, so you can't just say you can
17 only put the Lagunas in that room, you cannot put
18 everybody. It's open enrollment. So every time, it's
19 like we're going, stop, don't disrespect anybody else
20 outside Laguna. But that is the desire that they had.
21 And we kept running around and thinking, well, is there
22 even such a monster, so to speak, as we're looking at?
23 You know, is there a framework for that? We kept getting
24 the same answer, no, there's not. Either you're public,
25 or that's it. That's it. So when you continue to talk

1 in that mindset, we don't have any options. We can bang
2 our heads against the wall, and we can try to hope and
3 pray that we have a composition of school board members
4 that are going to be the majority and hear our thoughts.
5 But in most of our districts, that's not going to be the
6 case. In the majority of districts, there's going to
7 kind of sway some of the folks that are our advocates to
8 do some of those more important things or priorities that
9 the tribes seek out. So again, it goes back to give us
10 the structure. Help us to create our own destiny, to do
11 exactly what you're hearing this gentleman telling us
12 today so we can teach our own folks, so we can provide
13 some sense of being and then, of course, have a strong
14 curriculum for whatever our kids want to go to school or
15 create -- tech school, whatever they want to do, but
16 allow us to have that right and that empowerment to do
17 so, not having to rely on folks that may want to know or
18 they have other ideas and priorities themselves. We just
19 don't -- in some of our counties, we don't have the
20 wherewithal. But I can guarantee you on our reservation
21 we probably have 100 percent consensus that tribal
22 education, cultural identity, language, and all these
23 things, we formulate that into a nice piece of clay in
24 our neck of the woods. Nice pottery, that's what you get
25 out of it. And I think you just don't have the framework

1 to do that given all the desires that we have.

2 MR. TUFFY LUNDERMAN: In South Dakota, we don't
3 have charters. We don't have any alternative educational
4 models. It's either public school or, you know, you go
5 to the BIE schools. But those are the only two options.
6 And not everybody in today's world wants to go to
7 college. Not everybody needs to go to college.
8 There's -- the opportunity is there to sit at home and
9 stay in pajamas all day and still make a dang good
10 living. You know? That's a -- that should be a part of
11 our curriculum. We have -- housing is a big deal on our
12 reservation. And there is so much need for repair, for
13 construction. We have a pretty good tech -- there's
14 opportunities for our kids who graduate from high school
15 to become plumbers, welders, and electricians, but we
16 don't teach that in our school. It's strictly college
17 prep. That's it. And when you live in a state that has
18 six of the ten poorest counties, you know, you need to
19 focus on something other than college prep. You know,
20 that's the reality of it. That's the reality. I mean,
21 and you showed it up there, learning, achievement, or
22 success is tied to poverty. You know? And again,
23 statistically, we're some of the poorest people in the
24 world -- or in the United States, our Lakota people. We
25 are. That's what the statistics say. We are

1 statistically the most unhealthy in the United States in
2 Lakota country. We are the poorest learners
3 statistically. That does not paint a pretty picture.
4 But we're not given any type of real control on
5 overcoming those things. We have some answers. Allow us
6 to do that. Work with us.

7 MR. GARY WALKER: A lot of our grants won't let
8 them go to IT school. They've got to go -- like he said,
9 got to go to a college or a pre-college. You know? And
10 I know a lot of our kids, they want to like go to IT
11 school, get their education and go to work instead of,
12 you know, going through all them years of schooling,
13 so -- but all of our grants are you got to go there. So
14 if there is any way you guys could help us out on that,
15 it would be great.

16 MR. RON LESSARD: We have an Office of
17 Vocational Training through the Department of Ed. We
18 need to find out if there's -- one of the problems, I
19 know that when these grants come available, if it's not
20 tribal specific, then there's a lot of competition around
21 that. And so we need to find that out for what other
22 kind of funding we have, initiatives around that.

23 MR. GARY WALKER: And then let's say they get
24 their high school in or something. Could we send our --
25 or their school, could we like send our people to them

1 also, or is it just going to be for -- if it ever goes
2 through, because we're landless, you know, so we couldn't
3 build a school like he's talking about. That would be
4 another thing, too.

5 MR. RON LESSARD: Yeah. Thank you.

6 MR. RYAN RILEY: I know you guys can't do
7 probably anything with standardized testing. I have done
8 some research across the states. And the states are just
9 all over the place with standardized testing. And then
10 the tribal nations are sitting there trying to deal with
11 that. And I don't know if any other state has to deal
12 with diploma versus certificate, trying to pass the
13 standardized tests. They can go all the way through
14 school and still just get a certificate at the end of the
15 day. And again, it goes back to the challenges of, okay,
16 well, this year we're going to do the PARCC, Partnership
17 for Assessment of Readiness for College & Careers,
18 testing in New Mexico. Two years ago, it was different.
19 But two years ago, you could take a written test. This
20 year, they told us that everything is going to be
21 computerized. And don't -- keep in mind that your school
22 doesn't have the capacity with the hard lines here to
23 make sure your computers are up to date, connected to
24 good bandwidth, and are able to finish the test. We had
25 some kids in our school crying because they knew how

1 important this PARCC testing was in New Mexico, and their
2 computers were freezing up throughout their testing. We
3 have on one -- a councilman that is a teacher at a local
4 high school, and he came in very frustrated with this
5 problem. And it wasn't like we weren't getting support
6 from the county because the county knew that this was an
7 issue, too. And God bless his heart, he was even going
8 up to our state governor telling him in our Department of
9 Ed. secretary -- state secretary we're not ready for
10 this. Can we please get a waiver and do a paper testing.
11 And we were told no. Our district was told no. And we
12 gave them money to fix the problem with the computer
13 capacity for two large schools -- two large schools, and
14 they only gave them \$28,000 to do it. So rather than
15 having the Pueblo -- right after that, we're waiving the
16 document with that information. We did let the state
17 know that. But we're really interested to see what the
18 testing results are reflective of that, because we've got
19 good kids. We've got kids like many other tribal nations
20 that go to Ivy League schools, state schools, vo-tech
21 schools, or whatever they choose to do. But those
22 standardized testing in New Mexico as it was done this
23 year was not representative of their capability. I can
24 guarantee you that. And I realize that the Department of
25 Education's hands are tied and not dictating to the

1 states what they can and can't do. But when you look at
2 the overarching problem of education and getting beat by
3 15 industrialized nations -- and we're the lowest of
4 those 15 -- that's horrible. So we look at tribal
5 nations as something that is a problem.

6 We have some larger problems within the state
7 and trying to get some sort of continuity, consistency
8 across. New Mexico is probably one of the most
9 impoverished states in the union. It just seems like why
10 are tribal nations always kind of left out of the
11 equation. I think we have some solutions that we can
12 offer as long as we're provided structure and the ability
13 to do that. I'm sitting here listening to a lot of your
14 discussion and some similarities, some ideas that you are
15 giving me. But I believe as tribal leaders we need to
16 get together and start -- 566 ways of doing the same
17 thing. But, ultimately, if we can come up with some
18 ideas to present to DOE and get our legislators, our
19 representatives to start looking at developing the
20 framework for tribes to do that themselves. Doesn't mean
21 all the nations have to do it. But what it does mean,
22 that there's an option for us to do it that way, our way.

23 MR. TUFFY LUNDERMAN: Exactly. And that's what
24 we're saying is that it's not mandatory or anything. But
25 there's a better model that can be created. And if

1 people -- tribal nations along the way decide that they
2 want to utilize it, well, it's there for them. It's a
3 resource. But it doesn't have to be mandatory. It's
4 pretty optional. But I agree. And I would be glad to,
5 you know, stay in touch and see what we can do in working
6 together to maybe drive this forward. But, you know, the
7 discussion is about that, whatever it is, 70 percent that
8 don't finish high school, that drop out. That's the
9 discussion. And, you know, I've never looked at the
10 statistics as a problem, except the perception that it
11 presents. That's a problem. But I've looked at the
12 statistics as an opportunity, because if the message
13 is -- I think these students are telling people, look,
14 this isn't working. But who is listening? That's the
15 message. It isn't we're dumb or this test is too hard.
16 You know, that's not the message. Those 70 percent are
17 telling somebody that will listen that, look, this is not
18 working, and we need something different. But we need to
19 give those people to President Obama somehow, because I
20 think a lot of this Generation Indigenous, a lot of the
21 students are kids that are in school, kids that have
22 graduated from school, kids that are going to college.
23 But again, where is that 70 percent? Where is that
24 voice?

25 MR. RON LESSARD: Okay. Thank you. Thank you.

1 This gentleman here, and then we'll take a
2 break shortly after this gentleman speaks. And then
3 we'll come back after break. Please.

4 MR. LYLE COOK: Okay. Good morning, everybody,
5 again. My name is Lyle Cook. I'm the president of
6 Consortia of Administrators for Native American
7 Rehabilitation. So I have prepared a statement I'll go
8 ahead and share with you guys.

9 I am writing to request that the Rehabilitation
10 Service Administration, RSA, increase the grant money
11 available to Tribal Vocational Rehabilitation programs to
12 the full 1.5 percent of the amount that is appropriated
13 for Title I programs in the fiscal year 2015 and '16.

14 As of today, there will only be enough funding
15 to see a maximum of the continuation of 75 percent of the
16 current and previously funded American Indian Vocational
17 Rehabilitation programs. We should all be gravely
18 concerned about what will happen to the consumers of the
19 25 percent of programs that may not be afforded the
20 opportunity to be funded even though they may have
21 fundable grant applications.

22 There is a secondly equally important request.
23 It is vital to the needs of the nearly 600,000 American
24 Indian and Alaska Natives with disabilities that there be
25 a significant increase in the number of AIVR programs

1 across Indian Country. This population is literally in
2 crisis. They are crying out for the hope and the dignity
3 of being able to care for themselves and their families
4 by obtaining meaningful employment.

5 I serve as the board president of the national
6 tribal organization known as the Consortia of
7 Administrators for Native American Rehabilitation, CANAR.
8 CANAR is the only national tribal organization dedicated
9 to increasing opportunities for our people living with
10 disabilities. CANAR works to build a world of full
11 inclusion for American Indians and Alaska Natives with
12 disabilities. I'm here to give comments about how RSA
13 actions and policies affect AIVR's programs, tribal
14 governments, and our abilities to serve our tribal
15 members.

16 First, I would like to address the request for
17 the full 1.5 percent of appropriated funding for American
18 Indian VR programs. For too many years, tribal people
19 with disabilities have not received vocational
20 rehabilitation services equitably. There are currently
21 only 85 AIVR programs across Indian Country. Yet, there
22 are nearly 600,000 Alaska Natives and American Indians,
23 working adults, aged adults with disabilities who need
24 services. Tribal programs only receive 41.2 million from
25 the latest appropriations.

1 Conversely, state vocational rehabilitation, or
2 VR programs serve approximately 1 million non-Native
3 populations with over 31.4 billion. This is a shameful
4 iniquity. A first step in the right direction is to
5 fulfill congressional intent. The Federal Government has
6 a long-standing obligation to meet the educational,
7 employment, and training needs of tribal members
8 regardless of economic challenges.

9 Further, states do not compete with other
10 states for VR funding. Yet, tribes are required to
11 compete for the already grossly inadequate tribal
12 set-aside. Federal education and employment policy that
13 fails to recognize governmental parity between tribes and
14 states hurts the American economy by limiting the
15 economic potential of tribal nations. The Secretary
16 should act to ensure tribes are recognized alongside
17 their state governments -- government peers in federal
18 policy. We urge the federal government to pay the
19 obligations written into our treaties and to enable
20 tribes to fulfill their constitutional responsibilities
21 as a government.

22 Now I would like to address the second issue
23 concerning the need to expand the capacity of tribes to
24 serve our people with disabilities. Growth of the AIVR
25 programs has been stagnant for the past few years. It is

1 time for a bold plan with an increased culturally
2 centered infrastructure for our tribal members with
3 disabilities. CANAR calls this plan VISION 2025. I will
4 briefly outline a few key components. With the support
5 of the U.S. Department of Education, Congress could enact
6 a legislation to significantly increase services to this
7 population. With RSA support, funds become available for
8 all grant submissions to be supported, support an
9 increased effort to outreach to help tribes develop AIVR
10 programs, the establishment of tribally controlled unique
11 pilot programs for those who live outside the reservation
12 boundaries, leadership development, fiscal management
13 systems and program management training. We request an
14 increase of funding to 5 percent. Even with a
15 100 percent increase, 1.5 percent to 3 percent, AIVRS
16 would still be one of the smallest set-asides in our
17 country. By increasing the set-aside to a modest
18 5 percent, AIVR programs would bring in over \$100 million
19 of additional resources to help reach such a vulnerable
20 population.

21 CANAR requests establishment of direct
22 permanent funding. Having to compete every grant cycle
23 to receive funding is counterproductive in so many ways.
24 If the state VR system were required to do this, it would
25 wreak havoc on their entire structure. Any other

1 problems within the AIVR system can be attributed to this
2 issue.

3 Finally, I have a few remarks concerning tribal
4 consultation. The President has set aside a new standard
5 for engaging the tribal nations. We believe that it is
6 important for federal agencies to engage tribal
7 organizations like CANAR during the planning and
8 execution of meaningful consultation when the subject
9 matter pertains to their constituencies. Effective and
10 meaningful consultation should be synonymous. Tribal
11 consultation participants need to be a part of the
12 planning process. Customarily, many federal agencies
13 partner with the national tribal advocacy organizations
14 pertinent to their programs. This way, tribal
15 governmental counterparts will receive adequate
16 assistance in preparing for a give and take exchange that
17 stays on top and are constructive. Often tribal leaders
18 only have a cursory knowledge of specific consultation
19 topics. Tribal governments strongly rely on national
20 tribal organizations to provide much needed technical
21 assistance in preparing questions and responses to
22 detailed federal policies and regulations. It is
23 unrealistic and illogical for federal agencies to expect
24 tribal leaders and/or tribal program personnel to be
25 versed and experienced in the political and legal

1 ramifications of any particular proposed policy, statute
2 invocation, or regulation. Tribal consultation
3 activities can take many formats depending on what goals
4 the federal agency wishes to accomplish. By partnering
5 with a national tribal organization that has the
6 technical expertise necessary to prepare tribal
7 consultation participants to engage in constructive and
8 informed discussion, agencies are able to glean clear,
9 concise, and relevant remarks for agency response.
10 Otherwise, discussion tends to veer off topic and may
11 move into negative and over-lengthy dialogue.

12 Further, most federal agencies do not have
13 background knowledge of what type of tribal consultation
14 format would work best for the specific goal they want to
15 accomplish. By engaging in a national tribal
16 organization and a planning process, agencies can be
17 guided to a format that will fit the topic, timeline, and
18 goal of that consultation. This has been and continues
19 to be a common practice with other federal departments
20 such as HHS, Interior, Justice, Commerce, and
21 Agriculture. Please engage CANAR next time RSA wishes to
22 hear from Indian Country. This action will fulfill the
23 principles of meaningful consultation and Executive Order
24 13175.

25 I thank you for this opportunity to submit

1 comments on behalf of CANAR. CANAR stands ready to work
2 with RSA through time sensitive consultation to resolve
3 our issues prior to its negative impact on AIVRS
4 programs.

5 Thank you.

6 MR. RON LESSARD: Thank you. Appreciate that.

7 We're going to take a 15-minute break, and
8 we'll come back. And if there are any other comments
9 from tribal leaders, we will take those when we come
10 back. Otherwise, we'll open it up for public comment.

11 Thank you.

12 (Break.)

13 MR. RON LESSARD: All right. We're almost
14 ready. A couple more minutes. I want to mention one
15 thing, once again, is that because we have folks
16 listening on the line, if you could please speak clearly
17 and close to the microphone so that they can hear that.
18 Okay?

19 Welcome back. We have a couple of
20 announcements. One I mentioned about speaking into the
21 microphone clearly since we have folks that are listening
22 in. I have two other announcements. One is, as you
23 know, our tribal consultation policy is out for comment.
24 July 13 is the final day for comments on that. And that
25 will be -- and I'm going to mention something else that

1 will also -- you can respond comments to the same
2 website, and I'll give you that.

3 Our Office of Civil Rights, you know, in the
4 Fall 2014, the listening sessions around the country, we
5 heard repeated concerns about offensive school mascots
6 harming native youth. Office of Civil Rights has asked
7 us to pose some questions. You don't need to answer
8 those now. They will be available to see, and then also
9 you can respond to the website, which is
10 tribalconsultation@ed.gov.

11 So the first one is: What should the U.S.
12 Department of Education, specifically its Office of Civil
13 Rights, do to address offensive school mascots and
14 imagery? For example, some advocacy groups have
15 recommended that OCR issue guidance calling on school
16 boards to examine if the use of indigenous-based mascots
17 adversely affects students and contributes to racially
18 hostile environments. Would OCR, Office of Civil Rights'
19 guidance on this issue be helpful?

20 Second question: What harms have you seen
21 resulting from offensive school imagery/mascots? For
22 example, are you aware of native youth being bullied or
23 taunted because of a mascot?

24 Next question: Are you aware of any schools
25 that have successfully removed offensive school mascots

1 and imagery? How did the community accomplish this,
2 address opposition, and pay for the cost to remove the
3 imagery? What was the impact on students and the school
4 after offensive imagery/mascots were removed?

5 We invite comments on these topics to -- here's
6 the website, tribalconsultation@ed.gov. That's
7 tribalconsultation@ed.gov. And we just want to hear from
8 you particularly on what Ed. and OCR can do to improve
9 the school climate for native youth. And we ideally
10 would like to hear your comments before the Tribal Youth
11 Conference, which is coming up July 9. But it's open
12 ended on that. And when I say open ended, I don't know
13 how far out.

14 MR. ALEX SANCHEZ: Towards the end of July.

15 MR. RON LESSARD: Towards the end of July. And
16 also, like I mentioned, the tribal consultation policy,
17 we'd like to receive your comments. That's at the same
18 tribalconsultation@ed.gov. You can provide comments
19 there.

20 Okay. As we continue, first, I would like
21 to -- we have two folks. First, I wanted to invite
22 Melvin to say a few words. He has to leave. And we
23 appreciate very much him being here, and I would like you
24 to stand and introduce yourself.

25 MR. MELVIN MONETTE: Thank you. Good morning.

1 My name is Melvin Monette. I'm the president of the
2 National Indian Education Association. We thank you for
3 this opportunity to provide comment on the Draft Tribal
4 Consultation Policy for the U.S. Department of Education.
5 Before I read my comments that we prepared based on the
6 questions that you put out, I want to let folks know,
7 many of the comments that were provided here this
8 morning, NIEA has policy and procedure and processes that
9 we're working on right now, among a number of these other
10 issues, so I'd like you to visit with Ahniwake Rose, the
11 executive director, on those issues.

12 Thank you.

13 Since it was formally instituted by Executive
14 Order in 1998, consultation has proven to be an effective
15 way for Federal Government and Tribal Nations to improve
16 issues of mutual concern. Ever changing educational
17 landscape calls for constant review and modification of
18 consultation policies. NIEA applies for the opportunity
19 to redraft policy and for engaging tribal leaders and
20 stakeholders in this stage of drafting.

21 The draft consultation policy ensures
22 continuity and commitment among the tribes.

23 As President Obama stated in this 2009
24 memorandum on this subject, consultation is a critical
25 ingredient of a sound and productive federal tribal

1 relationship. NIEA eagerly agrees and, in that vein,
2 offers these comments on the draft policy, which we think
3 will further strengthen and fulfill the spirit of the
4 President's commitment to integrate tribal priorities and
5 viewpoints into federal decision making.

6 In addition, attached is the draft policy with
7 suggested language for implementing some of these
8 comments.

9 Our recommendations: NIEA believes the
10 consultation policy is well structured and covers many of
11 the topics crucial in such a policy. The following
12 recommendations are offered in hopes to bring the policy
13 in line with extensive impact Ed. has for native students
14 in this country. The policy should make explicit that
15 much of Ed.'s work and impact on native students takes
16 place outside tribal or Indian Country schools. This
17 vast majority of native students are enrolled in
18 non-tribal schools within states or private systems.
19 Consequently, state and private system concerns in
20 education outcomes must be integrated into any Ed. policy
21 to be successful for Indian Country as a whole. Comments
22 throughout the consultation policy address issues on
23 tribal government and tribal school implications which
24 will affect native students in other schools. Tribes
25 have a unique relationship with native students, which

1 must be acknowledged as a critical process in
2 establishing a nation-to-nation collaborative process
3 which affects their academic success regardless of where
4 they attend school.

5 The comments provided clearly in the policy is
6 not only consultation but also of coordination as with
7 the intent of both EO13175 and President Obama's
8 memorandum. The draft policy is very process focused,
9 which is entirely appropriate. However, the policy must
10 also be focused on integrating tribal priorities and
11 viewpoints into the federal process. For this reason,
12 NIEA cautions against too much formalism in the policy
13 such as focusing on deadlines, squabbling over whether a
14 policy or change will have tribal implications, or even
15 restricting consultation to the grants and programs
16 specifically designated for native students or tribes.
17 The tribes have found the focus on process has played a
18 role in turning tribal consultations from a means of
19 federal/tribal collaboration into another requirement met
20 by a federal agency without meaningful outcomes.
21 Accordingly, many of our comments focus less on when
22 tribes and stakeholders can provide input for federal
23 consideration and more on how the agency will incorporate
24 that input into its policies, rules, and priorities. In
25 other words, we seek a process that provides for

1 meaningful consultation beginning at the earliest
2 possible stage.

3 Finally, NIEA must clarify that while many of
4 the changes recommend casting a wide net in terms of
5 consultation with stakeholders, the emphasis should be on
6 government-to-government relationships, between tribes
7 and Federal Government.

8 Following that are all of our recommendations.
9 Thank you.

10 MR. RON LESSARD: Thank you very much.

11 SPEAKER: I'll go on and on if you give me the
12 opportunity.

13 MR. RON LESSARD: Thank you very much.
14 Appreciate that. And next I'm going to ask Cinda to say
15 a few words and then move down the list.

16 MS. CINDA HUGHES: Thank you.

17 My name is Cinda Hughes. I'm a member of the
18 Kiowa Tribe of Oklahoma. And I'm the legislative affairs
19 director for the Consortia of Administrators for Native
20 American Rehabilitation.

21 My comments today are regarding RSA
22 specifically, and then I'm also going to put in a few
23 comments about tribal consultation.

24 It's vital for the continuing existence of AIVR
25 programs that peer grant reviewers have a more than

1 satisfactory knowledge of how tribal governments fund
2 programs and how they report the use of those funds.
3 Currently, reviewers are only required to have knowledge
4 of vocational rehabilitation programs generally. The
5 reviewers of tribal programs are not required to have
6 knowledge of tribal governments.

7 CANAR is the only national tribal organization
8 dedicated to increasing opportunities for our people
9 living with disabilities. Tribes operate their varied
10 education, training, and employment programs through a
11 patchwork of funding sources. Numerous federal agencies
12 award grants that tribes use. More often than not,
13 tribal governments fund a full-time employee by splitting
14 their time and work load among different grants.
15 Consequently, in the personnel section of many grant
16 applications, an employee will be listed as a .5
17 full-time employee. Another example are tribes that are
18 PL 102-477. Public Law 102-477 allows
19 federally-recognized tribes and Native Alaska entities to
20 combine federal employment and training formula-funded
21 grant programs. These tribes may submit to the
22 Department of the Interior a single plan with a single
23 budget and a single reporting system. It is a fact that
24 several tribal applicants through the AIVR grants lost
25 significant points and were thereby denied awards on

1 their applications due to the peer grant reviewer's lack
2 of knowledge or how tribal governments fund their
3 programs and how they operate their budgets.

4 Further, peer grant reviewers are not required
5 to read anything other than the narrative sections of a
6 grant application. Therefore, if a tribe places its
7 instructions on the basics of tribal finances in any
8 appendix, then it goes unread.

9 I strongly urge the RSA to remedy this
10 situation. The 2015 grant applications were due by
11 June 8. Tribal governments are unduly burdened by having
12 to use valuable page requirements to instruct reviewers
13 on the basics of tribal government to those who are
14 supposed to be peer grant reviewers. This practice is
15 inherently unfair and inequitable. The above decisions
16 and actions were made that significantly impact tribes
17 without prior consultation.

18 I also agree strongly with NIEA and their
19 comments about process and procedures. We do believe
20 that it's very important to consult with tribes prior to
21 announcing a tribal consultation, prior to discussing
22 what the regulations are going to be, because tribes and
23 tribal program personnel need to have the technical
24 assistance, just as the Federal Government has the
25 technical assistance of its general counsel and of its

1 policy advisors. And tribal organizations operate as
2 those policy advisors to tribal personnel and the tribal
3 governmental officials. So it's very valuable to have
4 the input of tribal organizations as technical assistance
5 to the tribal participants of any consultation process.
6 And it also is invaluable to assist federal agencies who
7 are not attuned to the different methods and the
8 different formats that tribal consultation may take place
9 with and the different activities that constitute a
10 tribal consultation. But a tribal organization would
11 have that background and would be able to provide
12 valuable assistance to the federal agencies in deciding
13 which format would be applicable to the goal that they
14 wish to accomplish.

15 Thank you very much.

16 MR. RON LESSARD: Thank you very much. Next,
17 Richanda.

18 MS. RICHANDA KAQUATOSH: Hi, I'm Richanda
19 Kaquatosh. I'm the coordinator for the First Nation
20 Studies Program for Milwaukee Public Schools. And as I
21 was listening -- I had no intention of speaking. But as
22 I was listening to the gentleman speak earlier, I put
23 together some notes just to piggyback on what you said.
24 And I think what we're really talking about in terms of
25 the infrastructure that we're dealing with in the public

1 schools and the oppression and the sub-oppression that's
2 exhibited, we're talking about historical trauma. And
3 there's actually research now -- it's called
4 epigenetics -- where there's proof that the behaviors
5 that our children are exhibiting and all children can be
6 traced back to their ancestors. So if you look up
7 epigenetics and its relation to historical trauma, what
8 does that look like? Overrepresentation in special ed.,
9 the social issues that we all have with our kids. We're
10 talking about mental health issues, the fighting between
11 tribes, the fighting amongst each other. That's the
12 sub-oppression that we're talking about. The use of
13 terminology. "Indian" is a derogatory term. Even the
14 President himself uses "First People." I think those
15 terms that we allow to be out there is continuing that
16 sub-oppression.

17 Again, the mental health issues. I think
18 there's money that needs to be going into research. I've
19 partnered with Mount Mary College in Milwaukee, and we're
20 doing ACE study, which is -- I don't know if you know
21 about the Adverse Childhood Experience study. It's a
22 study, and there's no information on First Nations
23 people. So, I mean, we're in the 1 percent. We're
24 like -- we're just lumped into "other." So there's no
25 data for our kids. And that data will help us be able to

1 get the funding to do the research in our communities and
2 really do some mental health healing and
3 intergenerational healing with our elders and our
4 children.

5 And to touch on what you talked about in terms
6 of the school boards, the infrastructure that we have to
7 work within -- and I'm a Title VII program -- is we're
8 constantly being hijacked because of the ignorance. You
9 know, you can't do this and you can't do that because
10 that doesn't fit into our plan and we don't know anything
11 about that. So there's a lot of educating that I have to
12 do. And I'm constantly jumping through hoops to -- I've
13 got to go meet this person, this person, this person, and
14 this person to explain why I want to do some
15 intergenerational healing or deal with historical trauma
16 issues. Luckily, I do have a psychologist that works in
17 my program whose area is trauma. And we do a lot of
18 talking circles with our children. And in fact, when I
19 wanted to do a talking circle, I was told, no, you can't.
20 You have to use one of our psychologists. And I said,
21 wait, wait, wait, stop. I mean, you're talking about
22 trauma. I'm talking about historical trauma, and I'm
23 talking about indigenous people, and I'm talking about
24 the issues that we have in our community. And I -- you
25 know, I had to fight to get my own person in there to do

1 the talking circles. And in fact, I was one of the
2 partners in there doing the talking circles. That was
3 the most powerful work I've ever done with children. And
4 we really dealt with problem solving, skill building. We
5 modeled it after Alverno College dealing with
6 communication, who are their support systems, those types
7 of things. Every student in there cried at the end and
8 wanted it to continue. We gifted them with different
9 cultural things that we do in the Woodland tribes. That
10 was our attempt at dealing with our social issues in our
11 community. But back to that infrastructure, that whole
12 system is ignorant. How do we deal with that? I mean,
13 we know our value system. We know our kids. We know
14 what our tribal healing practices are, often frowned
15 upon. We know that. So we need the research and the
16 money and to put into mental health -- the behavioral
17 health issue of it. And that's all I wrote down based on
18 what you guys were saying.

19 And especially with the special ed. issue, a
20 third of our kids in my program are in special ed. Our
21 district was cited for having an over-representation of
22 First Nation students in special ed., so they called a
23 lot of the districts that also had over-representation,
24 and I asked to go to that training. I was the only
25 person of color in that room. And I stood up, and I

1 said, now, you wonder why there's a problem here. You
2 know, they didn't bring everybody to the table to try and
3 make those diagnostic tools culturally responsive.
4 They're not. Example, if you ask one of our native kids
5 what is a roach -- just what is a roach. In my mind,
6 there's three different roaches. There's the illegal
7 substance, there's the bug, and then for tribal people,
8 it's a hair piece. And if our babies answer that way,
9 and you have someone who does not know that, you're going
10 to think our kids are nuts. There are a lot of
11 diagnostic tools out there that our kids should not be
12 subjected to.

13 MR. RON LESSARD: Do you find in special ed.
14 they're miscategorized because of some often cultural --

15 MS. RICHANDA KAQUATOSH: Absolutely.

16 MR. RON LESSARD: -- issues they're put into as
17 a category of special ed., sentence of special ed.? And
18 we've talked about that.

19 MS. RICHANDA KAQUATOSH: There are behavioral
20 issues. I mean, they put them in EBD or learning
21 disabled, or there's something wrong with him because
22 he's acting out. Well, did you take the time to check
23 the fact that this four-year-old was just pulled from his
24 grandmother's home and put into another home and then
25 moved to a city and he didn't know anybody? And right

1 away, that kid went into special ed. Those are the
2 issues that -- I mean, we have those issues in the city
3 as well.

4 And I just thank you for allowing me to come up
5 and speak that, because I am totally with you guys.

6 MR. RON LESSARD: Thank you. I wanted to
7 mention briefly that Richanda was very key in the very
8 beginning of helping us put together the School
9 Environment Listening sessions, got their community
10 involved, their youth involved. Also Secretary Duncan
11 held a roundtable with the youth that participated in
12 that, and Richanda was able to attend. And --

13 MS. RICHANDA KAQUATOSH: Could I tell them the
14 result of that?

15 MR. RON LESSARD: Please do.

16 MS. RICHANDA KAQUATOSH: And as a result of
17 that, my Title I funding was taken away.

18 MR. GARY WALKER: Oh, really?

19 MS. RICHANDA KAQUATOSH: Yeah, because of my
20 affiliation with the White House Initiative. So, I mean,
21 there's games being played and being allowed out there,
22 and there's retaliation going on if you do speak up. It
23 still exists. We're fighting every day. I filed an OCR
24 complaint. I've tried to follow all the channels to deal
25 with the oppression, but it exists. It's real.

1 MR. RON LESSARD: Did you find that by doing
2 those listening sessions we were able to -- it opened it
3 up -- with some consequences for you, but for young
4 people, it was an opportunity, a place that they felt
5 that there was some support coming from the initiative
6 and from the --

7 MS. RICHANDA KAQUATOSH: I think that the
8 intent of the district was to hold that whole process up.
9 Remember in the beginning --

10 MR. RON LESSARD: Yes.

11 MS. RICHANDA KAQUATOSH: In the beginning, we
12 were trying to have it -- I wanted to have it in one of
13 our schools right in the center of where all of our
14 families live. And the district kept holding the process
15 up, holding it and holding it and holding it up to the
16 point where we had no invitation. We had nothing to send
17 out to our families. Finally, as a Milwaukee committee,
18 we decided to move it to the Indian Community School,
19 which is a private school in Milwaukee. And so I think
20 that held up our capacity for having families attend. So
21 I think it was intentional. But I think for the people
22 who were there and were supposed to be there, it was a
23 chance for our kids to speak. I think a lot of our kids
24 spoke up just about these issues. So it was beneficial
25 definitely.

1 MR. RON LESSARD: Great. Thank you. Thank you
2 very much.

3 MS. RICHANDA KAQUATOSH: And thank you for
4 allowing me to speak.

5 MR. RON LESSARD: Next we have our listening.
6 We're open for public comment. I want to see -- who
7 was -- Dennis Olson. Dennis Olson from Fond du Lac Band
8 of Lake Superior Chippewa.

9 MR. DENNIS OLSON: Good morning. Thank you for
10 the opportunity.

11 MR. RON LESSARD: Good morning.

12 MR. DENNIS OLSON: Dennis Olson, enrolled
13 member of the Fond du Lac Band of Lake Superior Chippewa.
14 And just to clarify, I'm not here this morning
15 representing the Fond du Lac Band. I'm the director of
16 the Office of Indian Education at the Minnesota
17 Department of Education, and I'm here representing the
18 Minnesota Department of Education and the State of
19 Minnesota on behalf of native students.

20 A couple of comments regarding the consultation
21 policy development. First of all, the Minnesota
22 Department of Education Office of Indian Education
23 wholeheartedly supports the National Indian Education
24 Association's comments submitted by President Monette.

25 A couple of comments I was developing listening

1 to the conversation. Number one, really caution against
2 being too prescriptive in the tribal consultation policy.
3 Here in Minnesota, we had historically a Indian Education
4 Advisory Committee that was actually a state-appointed
5 committee. And that committee had sunset. And the
6 tribal leaders in the state representing 11 different
7 tribal nations actually stepped up and formed their own
8 committee and appointed their own tribal education
9 department leaders and other community representatives
10 and formed a body called the Tribal Nations Education
11 Committee. And we took that development of that body to
12 heart at the Department of Education and actually wrote
13 consultation language into state statute and developed a
14 tribal consultation policy in response to the development
15 of that body and now utilize that body as our
16 consultation forum for everything that affects native
17 students here in the state.

18 The Governor of Minnesota, Governor Mark
19 Dayton, had issued an Executive Order in the spirit of, I
20 think, President Obama's Executive Order and mandated
21 that all cabinet level agencies in the state develop
22 tribal consultation policies, and that included the
23 Department of Education. Of course, like I had
24 mentioned, we were ahead of the game. And we really make
25 sure that our tribal leaders and our tribal appointed

1 representatives as part of this body, the Tribal Nations
2 Education Committee, are at the table at the beginning at
3 all possible times. And my concern with the consultation
4 policy is simply in a venue like this where comments are
5 given, comments are listened to, comments are considered,
6 and then potentially end up in some bureaucratic black
7 hole. And yes, it may be a little easier for individual
8 states to take comments and to take consultations
9 seriously when you're dealing with 11 tribal nations and
10 not 566 tribal nations. But the end result should be the
11 same. And we make sure whenever possible to have tribal
12 leaders at the table at the development from the
13 beginning. And my concern with the tribal consultation
14 policy is that there is a potential for that to not
15 happen at the federal level or at the national level,
16 that those comments are just considered, they're listened
17 to, but that you don't have elected tribal leaders or
18 appointed tribal leaders or tribal representatives in the
19 room when Ed. policy development is happening and not
20 necessarily with just programs that affect native
21 students or with demonstration programs or demonstration
22 grant programs or Title VII Formula Grant Program
23 changes, changes that just affect native students, but
24 really all Ed. policy.

25 You know, as you went through your PowerPoint

1 and mentioned that, you know, 7 percent of our native
2 students in the United States are in BIE schools, in
3 Minnesota it's about 4 percent of our native students.
4 So 96 percent of our native students in the state are in
5 public schools and in charter schools and in other
6 education settings. And so it's imperative that we don't
7 just look at my office's programs of Indian Education but
8 look at all of our statewide policy and make sure that
9 tribal leaders are aware of anything that may come down
10 the pike.

11 I had mentioned the body. I think it's
12 critical, too, that not only do we have those
13 representatives at the table, because that is the way
14 that tribal leaders have told us how they want to be
15 consulted with, but that certainly doesn't preclude an
16 individual tribal leader representing a single nation.
17 It had been mentioned a couple times this morning that
18 there are certainly different priorities nation to nation
19 and one that may float to the top and one that may not
20 even be on the radar for another. And so allowing an
21 individual nation to request consultation on a specific
22 issue is also critical to us. And, you know, you better
23 believe that I'm responsible for being responsive to that
24 as well and getting in the car and heading to wherever I
25 need to go to that tribal community to listen to those

1 concerns and then make sure they become part of policy.

2 A couple other just key comments outside of the
3 consultation policy. We've had a really impressive
4 legislative state session actually where there is over
5 \$20 million now invested from the state budget
6 specifically for Indian education programs and for Indian
7 students. We've doubled the amount of state dollars that
8 support our Bureau of Indian Education schools realizing
9 that they're funded far less than our per pupil funding
10 in our public schools for native students. And so we
11 worked to equalize that. We now are getting inundated
12 with questions. I think now that Indian education is
13 really at the forefront of everybody's mind, we're
14 getting inundated with questions about how do I access
15 Title VII, who do I see for roles and responsibilities
16 about parent committees. And one thing that those who
17 have been in the field for a long time talk about is that
18 strong training and technical assistance program that
19 used to occur from Ed. out of the Office of Indian
20 Education. Folks would say -- they would be here on a
21 plane that next week providing parent committee training,
22 providing other sources of technical assistance. And
23 that's just not the case anymore. We have about 180
24 school districts -- and I'm not talking schools. I'm
25 talking public school districts -- that are eligible for

1 Title VII funding here in Minnesota. We have maybe 70,
2 and that's on the high side, that actually participate in
3 Title VII funding. And so there's a huge gap there, I
4 think, of school districts that if they had a little more
5 training in technical assistance and awareness from Ed.
6 side of things, they would be participating in that
7 program. And unfortunately, that falls on me at this
8 point.

9 And then just finally mention the grant
10 programs that recently came out out of the initiatives.
11 We were working really closely with our tribal nations
12 here to develop a STEP program application and, in
13 actually going through it, realized that a lot of the
14 things that we were doing actually as part of our
15 relationship with our tribal nations and our SEA here
16 were things that we were already doing regardless if the
17 grant opportunity was there or not. And there was very
18 little, if any, advantage other than a lot of additional
19 red tape and bureaucratic regulations for us to jump
20 through in order to just enhance that potentially a
21 little bit. And so we ended up pulling back from the
22 STEP application.

23 And then our tribal leaders and myself as an
24 SEA representative in our office also developed the TED
25 grants opportunity, the Tribal Educational Development

1 Capacity Building and Code Development. And there, too,
2 I think it was almost to the point where the regulations
3 may have been a little too much for -- you know, and I'll
4 put up potentially more barriers than would have been
5 advantages. But that application did get submitted
6 actually. And one of the disappointing things, I
7 think -- and I'll end with this -- was that the
8 priorities in the grant programs said that the community
9 had to operate at least three Bureau of Indian Education
10 schools. And although communities that had one or two
11 BIE schools are still eligible, you know, I think it
12 really limited if you're looking at priorities. And in
13 one of the BIE PowerPoints I've recently seen, there are
14 only 11 tribes that operate three or more BIE schools
15 nationwide. Out of 183 BIE schools, there's only 11
16 communities that operate three or more. And so it almost
17 looked like a pre-determined grant opportunity that was
18 designed for specific communities. And when you're
19 looking at competitive processes with very little money
20 on the table -- and, of course, we all recognize that a
21 lot more financial resource is needed in all of these
22 programs. But pilot or not, I think, you know, the
23 competition was a little bit skewed.

24 And so with that, I appreciate the time to
25 offer comments, and I thank you so much.

1 MR. RON LESSARD: Thank you. Please, go right
2 ahead.

3 MR. MARVIN ADAMS: Thank you very much. And I
4 apologize for being late. I got here just recently. My
5 name is Marvin Adams. I am the executive counsel for
6 Central Council Tlingit and Haida Indians of Alaska. We
7 represent 30,000 tribal members.

8 As you know, Alaska has a very high dropout.
9 Last year, in 2007 through '12, there was 2,003 dropouts.
10 And of that, 892 of them were Alaska Native. We
11 represent a very small percentage of the population in
12 Alaska, less than 23 percent. But yet, we represent over
13 50 percent of the dropouts in Alaska. Those are
14 unacceptable for us, and we've got to do something about
15 it. That's why I'm here today is to begin the process of
16 what we need to do at Central Council to address this,
17 you know, unacceptable dropout rate.

18 The State of Alaska, as you know, has a big
19 control over our state education system. And they have
20 been funding a lot of the tribal education operations for
21 a lot of rural Alaskans, and they're really rigid in
22 allowing anything tribal or anything Indian into the
23 school system. I mean extremely rigid, almost
24 unacceptable. It took standing on the capital steps just
25 to get the recognition of our language into the Alaska

1 education system. So we have a really high hurdle of
2 trying to get over some of these obstacles in the state
3 education system. So my request here is what is the
4 process I need to go through about getting support from
5 the Department of Education and through the consultation
6 process and getting relief for Alaska. It's alarming.
7 It's just unacceptable. We have such a small percentage,
8 but we have such a high dropout rate in the system.

9 I also would like to support the National
10 Indian Education Association recommendations. I believe
11 they really are the forefront, and I really support what
12 they're doing. We would like to have more involvement of
13 them in Alaska as well because I know they can be a great
14 help.

15 So sorry for just coming in and hitting you
16 with this, but this is really important. And I needed to
17 speak with the Department of Education.

18 As you know, there was a recent transition in
19 Alaska of a new governor and a new lieutenant governor
20 which is Alaska Native. And I spoke to Byron Mallott,
21 the Lieutenant Governor, directly about this issue, and I
22 spoke to the Department of Education. And one option
23 that they thought is that we have an alternative
24 education system in Alaska, and the majority of them are
25 Alaska Natives. And I'm wondering if it's possible that

1 through the Department of Education if we can get funding
2 to help some of these schools that are basically under
3 the direction and the supervision of Alaska Native
4 people. So I'm here to request your assistance and
5 request your help.

6 MR. RON LESSARD: Absolutely.

7 MR. MARVIN ADAMS: And what do I need as a
8 native leader -- we are the largest tribe in Alaska -- to
9 help rectify this problem.

10 Thank you.

11 MR. RON LESSARD: Thank you. Do we have your
12 contact information?

13 MR. MARVIN ADAMS: I did fill out the forms,
14 yes.

15 MR. RON LESSARD: Okay. Thank you very much.
16 Jimmy? I don't think Aaron is here. Is he?
17 Jimmy.

18 MR. JIMMY WARNE: Yes. Hello.

19 MR. RON LESSARD: How are you, Jimmy?

20 MR. JIMMY WARNE: Not too bad. My name is
21 Jimmy Warne. And I'm representing -- I'm here with
22 CANAR, the Consortia of Administrators for Native
23 American Rehab. I've worked in tribal disability
24 programs for the past 22 years. My father had MS, and so
25 that kind of got me into the disability realm. And I've

1 also been an advocate for youth with disabilities.

2 My experience in education was a positive one.

3 I was fortunate enough to get a football scholarship -- I
4 guess you see my physical size, so I utilized it -- in
5 terms of being able to get that scholarship at a large
6 university, Arizona State, for my undergrad. And then I
7 got my master's at San Diego State in disability
8 vocational rehab studies. So for over 20 years, I've
9 been running the Center for American Indian
10 Rehabilitation and Education, and I've had hundreds of
11 American Indian students come through San Diego State
12 University, which is known as a tribal college, if you
13 will. But because they have an Indian person, suddenly
14 there's Indian interest. And I think many of our
15 universities and schools have no clue on Indian issues
16 until they get their one Indian, you know. Usually
17 they're, oh, yeah, here's our Indian. We have one. You
18 know, so again, this is something that's a challenge from
19 many levels and many issues.

20 I'm obviously an advocate for people with
21 disabilities, but many of our youth are labeled disabled.
22 LD, right? It's learning differently, not learning
23 disability. So when I work with those youth, I say it's
24 the system that's disabled, but they're calling you
25 disabled. And that would give them that strength and

1 that empowerment to say, oh, okay, it's okay to be Indian
2 and learn in the Indian way because there are different
3 learning styles. And the basis of American curriculum is
4 based on Euro-centric American perspectives. And that's
5 why many of our kids and many very good examples of
6 standardized tests and things like that that have been
7 brought up by others is doing an injustice to our kids.
8 I always use the term "ignorant by design," because if
9 you're a product of American education, you are ignorant
10 to American Indian issues by design.

11 I am fortunate enough to lecture
12 internationally. Asians and Europeans know more about
13 American Indian history than Americans do. And I'm sure
14 many of your colleagues on the Hill that are products of
15 American education have no clue about some of the things
16 that you're learning about in terms of your experience as
17 non-Indian people working with Indian Country, because I
18 would imagine your curriculum in high school and college
19 didn't prepare you for all these sovereignty issues. And
20 that's when I go to the Hill advocating for Indian
21 issues. I'm ready to speak at a high level of American
22 Indian needs, in this case, education or disability
23 issues. And I always have to go back to Indian 101
24 because, commonly, the staff or the senator or the House
25 person comes out, and their ignorance shows blatantly.

1 So it's very frustrating when we want to discuss higher
2 level issues, and we're just giving an Indian 101 lecture
3 in education.

4 It was brought up about peer review. Are they
5 our peers reviewing our grants? There's no requirement
6 to make sure there's a majority of American Indian peer
7 reviewers -- peer reviewers -- showing that they're
8 working on our programs. I'm often addressed and was
9 asked to speak and testify back in 2011 at the Senate
10 hearings on stereotypes of mascots because I played
11 professional sports as well as I've done some movies. I
12 don't consider myself an actor. But when they need a big
13 Indian, they give me a call, and, suddenly, I'm in a
14 movie. But that ignorance by design with the mascot
15 issue, somehow, my brother, Dr. Don Warne, graduate of
16 Stanford Medical School, somehow, Stanford changed their
17 name and maintained their integrity. They survived not
18 being the Stanford Indians. They didn't lose tuition
19 money because they got rid of their mascot. So why are
20 we in 2015 still discussing it today? It's because the
21 majority of our products of American education are indeed
22 ignorant by design. So here we are. They're going,
23 "what's the big deal?" I go, okay, I always go with
24 inclusion. "Then let's have the White Skins, the Black
25 Skins, the Brown Skins and Yellow Skins included."

1 Wouldn't it be a great rivalry, the White Skins versus
2 the Black Skins? With the great history that they have
3 here, imagine what the fans could do with hanging dolls
4 in effigy, burning dolls in effigy like they do with us.
5 But it's okay because, oh, it's just Indians. We don't
6 even know what they are. You know? So again, that
7 ignorance is very frustrating.

8 When I bring -- I do a football and athletic
9 life skills camps. I'll be out in New York working with
10 the tribes. And I always go home to Pine Ridge and do a
11 camp every year. And I bring my buddies from the NFL.
12 One is Randall McDaniel from the Minnesota Vikings. And
13 when we go to that school with 500 kids, and we're
14 speaking in an assembly, I go, look, 71 percent of those
15 kids will drop out. They will not even get a high school
16 education, which is shocking to my non-Indian brothers
17 that I bring to the res. to work with my youth. So
18 again, they're not even aware of it. So it's our job and
19 through this dialogue that is in writing thankfully and
20 on record, because that's the culture. It must be in
21 writing in the governmental culture. So again, the
22 dropout rates.

23 And again, I think mandating partnership,
24 that's something we did with Rehab Services
25 Administration is we changed legislation. I'm former

1 vice president of CANAR and former legislative chair, and
2 now we have our newer folks representing us. And we
3 changed legislation in four state agencies to work with
4 tribal agencies, because when they had the choice to do
5 so, how many chose to include Indian tribal VR programs?
6 Out of the 24 states, how many of them do you think
7 chose? Assume the worst, right? So now by force, by
8 regulation, now all 24 states must have an American
9 Indian person representing on those state boards. So
10 again, we must look at it's nice to wait in federal time.
11 We're all aware of it, right? So again, we must put in
12 language that there is some forced partnership, because
13 if we wait for it, it's not going to happen, as most of
14 us have had the experience. We have to stand on the
15 steps and just sit there until they go, okay, well, let's
16 address the Indian issues, there's a bunch of Indians in
17 the hallway, right? So again, many of us have had these
18 same challenges.

19 Most recently, I was on -- during the
20 Super Bowl in Arizona, they had a panel discussing the
21 racist elements of mascots. And it's on C-SPAN, so if
22 folks want to look at it, Kevin did a great job, the
23 director of American Indian Museum. So I think the
24 American Indian Museum has now taken steps to tell more
25 of the truth.

1 Our curriculum is way far behind because the
2 ignorance of -- our American brothers and sisters have no
3 clue who we are as Indian people. And I think one of the
4 first things we need to do is not only increase the
5 capacity of our Indian schools but literally change the
6 curriculum to be at least equal to Europe and Asia in
7 terms of Indian history and perspective, because I always
8 use the example of what if I read a few books on
9 African-American women studies, and suddenly I consider
10 myself an expert, and I'm going to teach you what it is
11 to be African-American women. How do you think they
12 would feel? That would be ignorant, wouldn't it? Yet,
13 we're dealing with that every day in our school systems,
14 with our school boards, with people that just do not know
15 the issues of Indian 101 at least at the minimum
16 standard.

17 So again, our languages must be reincorporated.
18 We don't need to be learning European languages. We
19 should be having our own languages in the school systems.
20 And we've seen the benefit of the dropout rates improving
21 when we do have our own accreditation standards of
22 utilizing our elders, our traditional educators, to teach
23 our language and our ways and our stories within the
24 school systems. And dropout rates have improved
25 significantly.

1 So again, with the president, currently, I
2 think it's very important that we utilize his last
3 year and-a-half on the hill to see what legislative
4 change he may be able to support. And with the increased
5 Gen I initiative, I'm hoping those funds really get to
6 the schools. And when I go home to Pine Ridge -- and
7 I've been to many of the reservations throughout there.
8 I've been to, geez, a couple hundred reservations. And I
9 usually do things with kids because they're always
10 interested in the pro football thing, and I always bring
11 it back to culture and who are we as Indian people. They
12 just want to know who I played against, basically, or how
13 much I weigh, which is a little embarrassing these days.
14 But again, this is very important in terms of how do we
15 mandate partnership. What is the minimum standards that
16 schools must meet in terms of addressing the dropout
17 rates and language, language, language. We must keep our
18 languages alive, because once we lose our languages, our
19 culture will start to fade.

20 So thank you for everybody's efforts. It's
21 great to have this consultation, and, hopefully, there
22 are some differences made. Again, there's so much work
23 to be done. The seventh generation, I'm a firm believer
24 in blackout philosophy, that it will take seven
25 generations to heal our circle after Wounded Knee. And

1 that's the young ones of today, and they're going to make
2 some great things happen. And it's our responsibility as
3 elders in training to make sure they succeed, because
4 they're going to make some great things happen for us in
5 the future.

6 So thank you very much for allowing me.

7 MR. RON LESSARD: Thank you very much. Thank
8 you. I wanted to mention one of the things that we've
9 been involved with specifically to Pine Ridge is the --
10 and with the Sioux side issue on Pine Ridge, which is
11 rampant in Indian Country but certainly very high in Pine
12 Ridge, as we know, we just recently -- and I just want to
13 mention this -- that we through -- I'll quote my
14 supervisor, Bill Mendoza, who those of you who know
15 Bill -- and I wanted to do this because specifically
16 coming to that region, we recently put out a -- with the
17 U.S. Department of Education and Interior, we announced a
18 grant to assist Pine Ridge recovery efforts. And so I
19 wanted to quote Bill, because Bill says, "We are
20 heartbroken about the tragic loss of life and are
21 committed to working with the Pine Ridge community as it
22 heals. These funds will help Pine Ridge schools'
23 continued efforts to restore their learning environment
24 in the face of these great tragedies," said Mendoza.
25 "This Administration is committed to supporting tribes in

1 their work to meet the needs of their students. We all
2 must do more to address the challenges across Indian
3 Country." This was the SERV program, it's called.

4 But I just want to again mention, with the
5 Department of Education, Secretary Duncan, the support
6 that he has given the White House Initiative, the Office
7 of Indian Education, is certainly a major contributor to
8 the Administration on American Indian and Alaska Native
9 issues. So again, we hear that and continue to support
10 you, and also, again, you know, this will go back to
11 Secretary Duncan, and he will be able to hear your
12 comments, so.

13 Next, I may have left someone -- Michael
14 Rabideaux? Sorry, Michael. I skipped over you before.
15 You were first on the list. Thank you.

16 MR. MICHAEL RABIDEAUX: You don't know how it
17 warms my heart to hear DOE say thank you. Apologize.
18 Mike Rabideaux. I'm a band member of the Fond du Lac
19 Lake Superior Chippewa Tribe. I've been superintendent
20 for 28 years at our Ojibwe School, first a teacher, then
21 a building administrator. I'm a grandfather. I'm a
22 proud member of our community. Respect and honor very
23 much my Anishinaabe brothers here in the room, relatives
24 and sisters and all my elders.

25 As I sat in the back of the room wondering

1 earlier if it would be okay to fall asleep, I'm not a
2 Christian, but I often fall asleep under that big
3 building in a pew about this time of day. So I was
4 hoping someone would break out with song.

5 My good friend and colleague, Mr. Dennis Olson,
6 Office of Indian Education, addressed you briefly here
7 today as well. Again, I am a superintendent of a BIE
8 tribal school, one of four schools located in the State
9 of Minnesota with a total population of over 800
10 children. Each tribe, Leech Lake, Mille Lacs,
11 White Earth, and Fond du Lac, are operated by their own
12 tribal governments but, of course, under the influence of
13 the BIE. That's where our funding comes from. Again,
14 we're tribally controlled. We have sitting school
15 boards. We have curriculums we follow, the State of
16 Minnesota curriculums. We have state licensing
17 requirements that we follow. They're State of Minnesota
18 requirements for administrators and teachers. We follow
19 all state standards and assessments. They're all State
20 of Minnesota. Everything is State of Minnesota.

21 The only thing that is not State of Minnesota
22 are the band members of my tribe. We are naghashi onaan.

23 Dennis briefly mentioned our Tribal Nations
24 Education Committee. I am a member appointed by our
25 tribal council. I sit with other members in the state.

1 We've been very aggressive, I think, forever, you know,
2 even before we had to give ourselves a fancy title,
3 because before, we did like many of us in Indian Country
4 already know. Our leaders stand up when we need and we
5 must do things. But with our fancy title, Tribal Nations
6 Education Committee, we've had the inroads to work
7 progressively with the State of Minnesota. We've
8 practiced self-determination. That's not a rhetorical
9 term. Self-determination is an important term. We
10 practice sovereignty. The combination of both of those
11 has led to many progressive educational movements here in
12 the State of Minnesota. We haven't stopped our vision.
13 We haven't stopped our philosophy.

14 Our vision and philosophy, the further you move
15 from the center, the less it becomes understood. We know
16 that in the State of Washington where I had my
17 directions. We know that in Washington, D.C. The
18 gentleman here talked about the education level. I'm not
19 here to insult our legislative leaders. But like them,
20 children growing up in the schools don't learn about
21 Anishinaabe people. And if you're not given an
22 opportunity to learn about self-determination in treaties
23 and sovereignty, what can you expect? We only look like
24 a negative. We will. We're a statistic. We're
25 1 percent. That's who we are. And yet, in our own

1 tribes, we're the 100%. It's not a democracy. It's
2 Indian life. It's our value. It's character value.

3 What gets taught in schools often is deemed
4 important to measure, but that doesn't apply to us. How
5 is that? How is that?

6 We talked about Competitive and Demonstration
7 Grants. To us -- I only speak for myself -- well, maybe
8 a few others. But a Competitive and Demonstration Grant
9 sounds like a basketball game, or, at best, the way these
10 are designed, they're writing contests. They're essays.
11 They're essays. And they may not represent us. They
12 represent the person that taught us how to write. It's
13 not our language, and yet, it continues. STEP, STEM,
14 TED. There are more, and they're all priorities.
15 They're all requirements. And yet, if a tribe doesn't
16 have the resources or that technical writer that knows
17 how to take that data and make a data-driven decision,
18 how many times can it happen? We wrote a TED grant in a
19 framework of a week and-a-half. They came out May 15;
20 they were due June 15. Well, who did that cater to? Who
21 did that cater to? The tribes that don't have the
22 resources of technical writing skills? We didn't get any
23 help from BIE to do that. None. So I don't know if
24 we're going to be successful with our writing essay or
25 not. It would be nice to have that fiscal money to do

1 what we're already doing.

2 It was brought up earlier about JOM, Impact
3 date, Title VII, JOM. We're talking briefly about the
4 19,000 other students in the State of Minnesota who are a
5 combination of identifications. Title VII identifies one
6 way. JOM identifies one way. Lord knows what Impact Aid
7 does. BIE has a definition of who is eligible. When we
8 consider all the eligibilities and all the requirements
9 and all the policies, at the end of the day, who is
10 focusing on what's actually being taught?

11 Here in the State of Minnesota, we've done a
12 lot of inroads on curriculum, on academic outcomes. It
13 isn't perfect, but we've been able to influence what the
14 State of Minnesota, the Minnesota Department of Education
15 through the Office of Indian Education director -- we've
16 been able to influence what is being taught in this
17 state. We've been able to influence benchmarks and
18 standards in social studies. It's important, our
19 history. If we don't teach non-Indians -- and we know
20 the non-Indians are those key stakeholders that make
21 decisions about policies about us. And where is that
22 education? Where does it begin? Who takes
23 responsibility? I'm not discrediting many of the fine
24 legislators. This isn't define sovereignty, define
25 self-determination, define Public Law 100-297. What's a

1 638? That's not what it is. What is it? And we should
2 decide what it is. You know, that's the vision we have
3 for this State of Minnesota. And as a Tribal Nations
4 Education Committee member, that's my job.

5 There are dramatic funding and fiscal needs.
6 What a surprise to hear that. With the current BIE,
7 ISEP, formula grant. That doesn't begin to cover any of
8 the support costs, our cooks, our librarians, our
9 counselors, our parent engagement people, our tutors, our
10 paras. It doesn't begin to cover school board costs. It
11 doesn't begin to cover extracurricular activities, field
12 trips, gifted and talented. It doesn't begin to cover
13 additional trips made for special needs students.
14 There's a process for that. And it doesn't begin to
15 cover our athletic programs. All of that comes right out
16 of our basic formula, ISEP.

17 I have to brag about our boys. This past year
18 we returned to state. Our population is 300 kids. We
19 went to the state basketball championship two of the
20 past -- well, we've been there twice. We're going back
21 this year. And these kids believe in themselves. I
22 heard my good friend that offered the prayer here
23 earlier. He spoke about basketball. Well, I don't know
24 how long we're going to be able to continue our
25 basketball program because it comes out of our education

1 program. That's important.

2 My comments here are comments reflective of the
3 tribe's position, but by no means are they official. We
4 do plan to submit documentation.

5 Just on a brief closing note, the political
6 side of it, you probably are all aware of a political
7 candidate who just painted all of us Anishinaabe people.
8 These are dangerous times in our country. Everyone is
9 open to free speech. But when someone can paint us as
10 bad people and run for political office, to me, that is
11 concerning.

12 And the other piece about these mascots, my
13 personal opinion, in our great capital, if we allow the
14 Redskins and do nothing about that, who is foolish enough
15 to think we can do anything else?

16 MR. RON LESSARD: Thank you.

17 MR. AARON PAYMENT: I'm sorry. I wanted to
18 come in and give some input, but our executive session is
19 not done yet, so I'm here with you in spirit.

20 MR. RON LESSARD: Okay. Thank you, Aaron.

21 Just checking our list. Do we have any
22 callers, anyone on the phone that would like to make a
23 comment?

24 Marvin, did you -- you wanted to say more?
25 Make an addition?

1 MR. MARVIN ADAMS: Thank you for that
2 opportunity.

3 MR. RON LESSARD: Sure.

4 MR. MARVIN ADAMS: You know, I really
5 appreciate hearing the words from my brother from
6 Pine Ridge. We had just recently passed a resolution to
7 boycott FedEx because they're a sponsor of the Redskins,
8 and we're bringing a resolution asking everybody else to
9 boycott it as well, because it's important. And it
10 really is important. It's sending a wrong message to our
11 children that this is acceptable. And we have to put a
12 stop to it. I think it's very important that we take a
13 stand, draw a line in the sand.

14 But I would like to go back to our real big
15 hurdles in Alaska with the education system up there, the
16 state education system. The Alaska Native people have
17 really no say or control of the processes or the
18 regulations or the curriculum. And we need support and
19 help from the Department of Education because there's a
20 trust responsibility that we as Alaska Native people
21 depend on guidance and directions from the Federal
22 Government. You know, it's incumbent upon the Department
23 of Education through the Bureau of Indian Education to
24 support us and help us get our languages back into the
25 school system, get a recognition for it, but, more

1 importantly, to help us with our dropout rate.
2 Ironically, the 37 percent dropout rate that we
3 represent, it's almost the same amount of the ratio that
4 we've got in the prisons. You know, we represent 14,
5 15 percent of the population of the State of Alaska.
6 Yet, we almost represent 40 percent of the incarcerations
7 in the State of Alaska. And I associate that with a lack
8 of education because, you know, there's nowhere for these
9 young kids to go. And a big part of them are Alaska
10 Native men. So I really would like, you know, support.
11 Especially, I know President Obama has been a great
12 friend of the Alaska Native people and our Native
13 American people. And we would like to take this
14 opportunity to find out if there's a fix from the time he
15 remains in office and what we could do at Central Council
16 of Tlingit and Haida Indians of Alaska to rectify this
17 problem.

18 So thank you for giving me a second
19 opportunity.

20 MR. RON LESSARD: Thank you. Anyone else have
21 any other comments?

22 MS. SHEILA COOPER: I'm thankful you are here
23 and well. I'm Sheila Cooper, a member of the Seneca
24 Nation of Indians, and I'm the senior advisor of Tribal
25 Affairs at the Substance Abuse and Mental Health Services

1 Administration. And there were two actually comments I
2 want to make to Ron, a member of the Clarkview Mohawk
3 [inaudible] confederacy of the House. And he and I have
4 been monitoring the Alyce Spotted Bear legislation and
5 was wondering if there was any discussion on where that
6 will be housed should it be passed.

7 MR. RON LESSARD: Excuse me. Sorry.

8 MS. SHEILA COOPER: So I'm just posing that
9 question of where it would be housed.

10 And then an address to vice president from
11 Rosebud, he talked about trauma. And I'm giving a brief
12 presentation at the House Subcommittee tomorrow on
13 SAMHSA's work with trauma. I won't say that HHS leads
14 amongst federal agencies on tribal consultation, but
15 our secretary has a tribal advisory committee that meets
16 every three months. And so the principals of all of
17 our agencies within HHS have to give an update to that
18 committee every three months. My administrator,
19 Pam Hyde, meets with 19 tribal leaders every three
20 months and tells them what is happening as far as
21 behavioral health in Indian Country. And what we've
22 heard here today is that tribal leaders are tired of
23 addressing the symptoms, suicide, sexual assault,
24 domestic violence, and they want to attack the root core,
25 which is historical intergenerational trauma. I even say

1 contemporary trauma. I can't imagine what my grandsons
2 are going through every day, but I'm sure it's
3 interesting and different than what I went through when I
4 was a student. You know, I can always say you want to
5 hear about trauma being a Fed -- being an Indian working
6 in the federal service, but I won't go there. Anyway, we
7 are talking about, from what we've heard from tribal
8 leaders, they said that they built on the successes that
9 this administration has been able to secure for Indian
10 Country. And looking towards possible transitioning in a
11 year and-a-half or so, what can we do to keep the
12 momentum going such as it is. And it was discussed to
13 have a tribal behavior health agenda. SAMHSA has no
14 defined concept of what that should look like, but we've
15 been talking with tribal leaders, urban Indian groups,
16 behavioral health workers in Indian communities since the
17 beginning of the year. And we're formulating some
18 interesting concepts of what a tribal behavioral health
19 agenda would look like. And so, hopefully, by early next
20 spring, we'll have that document prepared. We're hoping
21 to do some additional convenings of tribal leaders and
22 others over the next several months. And like I said,
23 it's not something that SAMHSA has pre-conceived, but we
24 know we've done a lot of work with trauma in Indian
25 Country. We're partnering with the Department of

1 Education and about seven others. HHS has taken the lead
2 amongst federal agencies to directly provide support to
3 those who try in this time of need.

4 And so we're looking at federal collaboration.
5 SAMHSA can relate to small tribes. We're one of the
6 smallest agencies in HHS. We have limited dollars.
7 Whatever we do, we have to look at it as strategically
8 as we can. And so under this administration,
9 Administrator Hyde has adamantly fought for the most
10 flexible type of funding that tribes could have that was
11 non-competitive. We did that for two years. She asked
12 for 50 million. Didn't get it. Asked for 40 million.
13 Didn't get it. We finally got five. She looks at it as
14 a down payment.

15 But yeah, we've heard tribal leaders say give
16 us the flexibility, give us the autonomy to do what we
17 know best to do for our communities. And so based on
18 that history, based on some of the tribal leaders a lot,
19 we're moving forward in that direction.

20 So I just wanted to bring that to everyone's
21 attention that there are resources within SAMHSA to
22 address trauma. We do have an American Indian/Alaska
23 Native Trauma Child Stress Network that has information
24 as well. So I encourage you to look at our website and
25 find some information to help you.

1 MR. RON LESSARD: Thank you. Thank you very
2 much.

3 I wanted to make a quick announcement for
4 tomorrow. At the Science Museum of Minnesota, it's the
5 Broadening Participation of American Indians and Alaska
6 Natives in STEM. It's coordinated by the Department of
7 Energy and other federal agencies and including National
8 Indian Education Associations. It will be from -- it
9 looks like it begins at 1:00. And Dr. Eric Jolly,
10 President of the Science Museum, will be there.
11 Honorable Dot Harris, director of DOE, Office of Economic
12 Impact, and Senator Al Franken will be there. So I just
13 wanted to let you know. I have some sheets on that I'll
14 leave after, so -- leave it out front, so.

15 Hello, Monty.

16 MR. MONTY ROESSEL: Hello.

17 MR. RON LESSARD: It's just after noon now.

18 MR. MONTY ROESSEL: My name is Charles Monty
19 Roessel. I'm the director of the Bureau of Indian
20 Education. And it's an honor to be here. I just was at
21 a language framework -- or language meeting earlier. We
22 have a session at 1:00 on an update for BIE.

23 But I want to take this opportunity to do two
24 things. One, I see it says Impact Aid, and it would be
25 great if BIE was able to get some Impact Aid money. So

1 I'll put that out there officially.

2 But the other, I think, you know, what I would
3 say to people that are here from different schools -- and
4 I heard the comments about BIE, and I don't think this is
5 appropriate to defend BIE or anything like that. But I
6 will say this, in terms of the time and the period right
7 now, I think we're in a very unique period and an
8 opportunity as we move forward to really make an impact
9 in Indian education. I've been a part of Indian
10 education more or less my entire career. My parents
11 started the first tribally controlled school, Rough Rock
12 Demonstration School, back in 1966 and then started the
13 first tribally controlled college, Navajo Community
14 College, two years later down the road at Many Farms.
15 And so it's been a part of my life for a long time. And
16 I don't think we've had the focus and the intensity that
17 we have right now with Secretary Duncan, Secretary
18 Jewell, the President all coming together to try to do
19 something.

20 And I think I really like the comment earlier,
21 "a down payment." I think everything we do is a down
22 payment. Nothing is final. Everything is a down payment
23 for as we move forward in the future. So right now, that
24 down payment is resulting in -- at least in the '15
25 budget, and we're hoping in the '16 -- a focus on Indian

1 education like we haven't had.

2 But I think something that has come out of this
3 that I hope will continue is that there is a renewed
4 partnership between the Department of Ed. and BIE in a
5 way that there has never been. And I think it's only
6 going to help tribes. And I think one of the big focuses
7 that has changed within BIE and I think also the
8 Department of Ed. is this word right here, "tribal
9 leaders." That the focus is now to engage tribes in the
10 education of their future, their youth. I don't think
11 we've ever done that in the past. I know from BIE's
12 perspective, we haven't. I know from the Department of
13 Ed.'s perspective, they haven't. And we see that focus
14 now.

15 One of the issues and I think in the session
16 that I'll be having later is talking about we went
17 through this year -- and this is a consultation -- BIE
18 for its reform. We had 21 tribal consultations, probably
19 the most prolific consultation that's ever been done by
20 the Federal Government. And we listened, and we
21 implemented ideas. And I'm sure that this is also the
22 case here. And I just want to say I think that's
23 something that's really important. I sat for many years
24 on the other side of the table looking into the Federal
25 Government, calling the BIE the devil. And now I'm the

1 head of the BIE, so, as I say, God, or for a man of the
2 holy people, they have a good sense of humor. And I
3 think one of the things we see is that there is a real
4 sense of urgency to try to do something.

5 And so, you know, I guess part of this in this
6 period of consultation is to encourage way-out-there
7 ideas, because the way-out-there ideas are what become
8 common today. In 1966, the way-out-there idea was tribes
9 being able to control their own education. I remember
10 the conversation -- my father-in-law was the chairman,
11 Raymond Nakai, and he started Navajo Community College,
12 and he brought in officials from BIE and the government,
13 and he said I want to start a college. The tribe is
14 going to run a college. And corporate officials and BIA
15 officials laughed at him. They said, my God,
16 Mr. Chairman, you don't mean to tell me that you Navajos
17 think you can run a college. But now look at how many
18 tribal colleges we have. It's not a -- it's the
19 normalcy. It's the new normal. So those ideas that seem
20 to be shocking today are going to be what we look to in
21 the past -- or in the future. We'll say why did we ever
22 doubt it. And so I think it's really important that when
23 we talk about these ideas and change in Indian education,
24 we really try to think about the kids first but also from
25 the tribal leaders' perspective, from the tribes. And so

1 I just want to say that BIE is committed to that. That's
2 the new BIE, that we're looking to the tribes as being
3 partners -- full partners as we move forward.

4 We have some really interesting ideas that are
5 formulating. Two groups of tribes, Southwest and the
6 Plains, are looking at taking over their entire school
7 system. In the past that would have been no. Today,
8 it's let's see how we can make it happen. And I think
9 the same thing is happening with Department of Ed. These
10 ideas with the STEP grant expanding tribal control moving
11 forward I think is something that is really exciting as
12 we move forward.

13 So I just want to share that. I want to say
14 thank you to my colleagues in the Department of Ed. You
15 know, we meet every week. There's a group of us meeting
16 probably three times a week. We're probably getting sick
17 of each other right now. But it was nice, and I
18 appreciate you giving me the opportunity to speak. And I
19 just want to say, from our perspective, BIE's
20 perspective, we're full partners, but we're only full
21 partners to the extent you're the partner. You're the
22 real partner here. We team up and partner with you. But
23 the tribes as we move forward in education, I think we
24 can't get there unless tribes are a part of the solution.

25 Thank you.

1 MR. RON LESSARD: Thank you, Monty, very much.
2 I encourage everyone to attend Monty's session, the BIE
3 session coming up. With that, I want to thank everyone
4 for coming today.

5 With that, I want to thank everyone for coming
6 today. It's been a real honor for myself and Alex and
7 Margaret to be here from the Department of Ed. We take
8 your comments seriously. We will take those comments
9 back to all those that need to hear them. And we look
10 forward to your comments on our consultation policy and
11 our Impact Aid program.

12 Again, thank you. Enjoy NCAI. I would like
13 to, if I may, ask Tuffy, would you close for us again? I
14 would sincerely appreciate that if you would.

15 (Closing comments were made by
16 Mr. Tuffy Lunderman.)

17 (Concluded at 12:08 p.m.)

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