

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN EDUCATION
TRIBUNAL CONSULTATION
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1 MR. HAMLEY: We'll begin by introducing
2 ourselves. And then do the PowerPoint. And then, at
3 that point, we would like to have input from the
4 folks in the audience.

5 My name is Jeff Hamley. I'm the Associate
6 Deputy Director, Division of Performance and
7 Accountability.

8 MS. BROWN: And I'm Roxanne Brown. I'm the
9 Associate Deputy Director - East with the Bureau of
10 Indian Education, located in Minneapolis.

11 MR. BOUGH: And I'm Brian Bough. I'm with
12 the Division of Performance and Accountability
13 Program.

14 MR. HAMLEY: We have a small audience. Why
15 don't we go ahead and introduce the audience, if you
16 will?

17 MR. MORTON: I'm Neal Morton with the
18 Cherokee Nation and Tahlequah Sequoyah High School.

19 MS. FATHEREE: Catherine Fatheree, Oklahoma
20 Area Education Office.

21 MR. SPEARS: Brad Spears, Superintendent,
22 Jones Academy, Choctaw Nation.

23 MS. ROGERS: Sharon Rogers, Jones Academy,
24 Choctaw Nation.

25 DR. BOWMAN: I'm Dr. Bowman, Kickapoo

1 Nations School (inaudible).

2 MR. MOORE: Patrick Moore, High School
3 Principal of Riverside Indian School.

4 MR. DEARMAN: And I'm Tony Dearman,
5 Superintendent of Riverside Indian School.

6 MR. HAMLEY: We do have a Court Reporter
7 here. So when you do have a -- whenever you speak,
8 be sure and identify yourself so she can put it on
9 the record, as well as your title and affiliation.

10 With that, we'll begin the PowerPoint.

11 Here's what we will be covering this
12 morning. This is an overview. We want to give you
13 some background on No Child Left Behind or ESEA and
14 talk about some of the challenges that we have faced
15 under No Child Left Behind as a Bureau.

16 And then talk about the Flexibility Request
17 that's been offered by the Department of Education to
18 States and to the BIE.

19 And then outline some of the key points of
20 our Flexibility Request, and also its benefits.

21 And then talk a little bit about the process
22 of you to submit comments since stakeholder input is
23 very important to this process.

24 MR. BOUGH: Okay. One of the visions that
25 we had when we were putting together our Flexibility

1 Request is we wanted to empower Tribes to have
2 greater control over their students' education.

3 The way we think we can re-establish some of
4 the Tribes sovereignties in education, specifically,
5 is that we want to move away from the State-based
6 standard and assessment.

7 Here in Oklahoma, I know you do a pretty
8 good job working with your State Government. In
9 states like Arizona where they forbid the teaching of
10 any language other than English in schools, it's part
11 of education that controls the standards and
12 assessments that our schools are (unintelligible).
13 This didn't particular play well. Even though that
14 limitation on English doesn't apply to Indian-funded
15 schools, you don't want the same people, essentially,
16 telling our schools what it is they'll be learning
17 for accountability purposes.

18 And, second, through the adoption of Common
19 Core Standards, tribes will be able to develop their
20 own focus standards that reflect their particular
21 interest in having their students' education to be
22 more culturally based, more culturally sensitive.

23 Students possessing a more culturally
24 relevant education are more likely to attain higher
25 levels of achievement in their education careers.

1 I am going to move through this very
2 quickly, so we can have plenty of time to take any
3 comments. So if I go a little fast, it's simply
4 because we're trying to get to your comments, and
5 that's where we'd like to have the bulk of the
6 meeting be.

7 No Child Left Behind, I'm sure most of you
8 are familiar with this policy. It was passed in
9 2001. It mandated that students reach 100 percent
10 proficiency in math and reading/language and arts by
11 the year 2014. And it required all students to have
12 the same level of testing targets, that is, special
13 education students had to achieve the same level as
14 nonspecial education students. Students with limited
15 proficiency have to attain the same levels as
16 students who are not identified as someone that's
17 English proficient.

18 And they did this based almost entirely on
19 testing. We have a few other academic indicators,
20 such as graduation rate, attendance, participation
21 rates, these kinds of things. But, really, we're
22 looking at math and English test scores when we're
23 doing these calculations for Adequate Yearly
24 Progress.

25 Whenever No Child Left Behind was passed

1 into law, the Department of Interior conducted
2 negotiated rule making sessions. That negotiated
3 rule making determined that we would be deferring the
4 tribe sovereignty to that of the States, that the
5 States will be determining what standards and how
6 they would be assessed for AYP purposes. The purpose
7 of AYP is (unintelligible) is adequate yearly
8 progress for making the determination as to the
9 economic success of a school.

10 Very frankly, the BIE under its current
11 directorship feels that was a mistake. They feel
12 like the Tribes have given up part of their
13 sovereignty in acknowledging the States and what it
14 is the States wanted to do in terms of education
15 policies. And they think this flexibility request is
16 one way in which we can re-establish that level of
17 sovereignty, where the Tribes have a greater control
18 over the standards and assessments that are being
19 used to determine whether the school is making
20 progress on their students.

21 I guess the upshot there under No Child Left
22 Behind in using the State definitions -- we have 23
23 different definitions of AYP. We can talk about any
24 number of inequities that come from that. But I
25 think most of us are already familiar with how you

1 can judge schools by 23 different standards and what
2 level of credits that achieves.

3 Flexibility request, the flexibility was
4 offered last fall by the U.S. Department of
5 Education's Secretary, Arnie Duncan. This came after
6 such people as Denise Juno of Montana, who's said
7 very overtly the State of Montana will no longer
8 follow No Child Left Behind. And these AMOs have no
9 measurable objectives, reaching 2014 have started to
10 reach stratospheric levels, levels where it's
11 difficult for our children to achieve at that high
12 level and say that this is a reasonable goal for the
13 students to be aiming for. Or for the schools to be
14 aiming for and held accountable for.

15 So this principle, this flexibility
16 principle was put out in place of reauthorization of
17 the elementary and secondary education.

18 That act is already five years overdue for
19 reauthorization. So the Secretary of Education said
20 we have to act. And we have to act in such a way
21 that it gives States relief from the very severe
22 mandates of No Child Left Behind and allows them to
23 also maintain an accountability system, but allows
24 them to (unintelligible) that's more reflective of
25 the needs of the State and of the schools that are in

1 that State.

2 Principle 1, and this is how it goes. The
3 application -- Roxanne has a few things that she
4 wants to say. So Roxanne will jump in at any moment
5 and tag me whenever I'm absolutely, positively
6 incorrect.

7 Principle 1 means that we refocus on Common
8 Core Standards across the entire United States. To
9 be very clear, these are standards that are optional
10 for the States, but virtually every single State has
11 adopted the Common Core Standards in one form or
12 another. Very few States, and I'm only talking maybe
13 three or four have decided not to go along with the
14 Common Core. The Common Core is this preparedness,
15 the standards that lead to preparedness for college
16 or career once the student completes secondary
17 education.

18 Principle 2 is a State-developed
19 differentiated recognition, accountability and
20 support system. That's an absolutely awful term,
21 which means school improvement status under the AYP
22 jargon.

23 So we're going to change how it is that we
24 identify schools for school improvement statuses. And
25 that's going to be more of a service oriented

1 approach and less of a punitive approach where you
2 see schools identified for school improvement, for
3 corrective action on core restructuring.

4 Some of the principles will still remain,
5 based on school improvement statuses. So, for
6 example, priority status will be a lot like school
7 improvement status or like our corrective action
8 restructuring. And the focus status will be very
9 similar to school improvement strategies.

10 This also includes a new system of
11 accountability. Essentially, it's saying that there
12 will be a new way to calculate AYP. We're not going
13 to talk about it in terms of AYP anymore. Get rid of
14 the old language when we get rid of the old system.

15 Principle 3 is Support for effective
16 instruction and leadership.

17 And Principle 4 is reducing duplication and
18 unnecessary burdens, especially in regard to
19 reports. And as the person who reports to the U.S.
20 Department, I hear it from both ends. I hear it from
21 the schools who say, why are you asking for this?
22 And I also hear it from the Department of Education,
23 why are you asking for this? It's very burdensome to
24 do the level of reporting that was required to
25 fulfill the ESEA mandates.

1 MR. HAMLEY: Between slides here, let me
2 just say the flexibility request itself, 129 pages,
3 is on the web site, BIE's web site. And more
4 helpful, probably, is a 13-page summary. So I don't
5 know if you've had a chance to pull those down. But
6 especially the summary talks about, specifically,
7 what the four principles will look like under the BIE
8 system.

9 MS. BROWN: Looking at Principle 1,
10 Standards and Assessments, the Bureau is looking
11 forward to adopting the Common Core Standards. And
12 what that will do, it will allow our Tribes to also
13 integrate 15 percent of those standards for tribal
14 language culture, history, language, determined by
15 the Tribe itself, unlike if the Tribe were to go
16 under or a school were to go under the State
17 Standards.

18 So that's kind of an incentive to our grant
19 schools to be able to come under the BIE with Common
20 Course Standards.

21 We would employ a single assessment, which
22 would be unique for the Bureau, which would allow us
23 to be able to determine our future, look at our
24 current status and make interim decisions based upon
25 the data across the Bureau.

1 The assessment would be administered three
2 times a year. And, currently, we have a system
3 whereby our schools, up through the (unintelligible)
4 offices and the ADD, in conjunction with the Division
5 of Performance and Accountability, actually look at
6 the data and make decisions based upon that three
7 times a year toward the end of the school assessment,
8 whereby we're not just allowing the year to go by
9 without interjection and understanding of what's
10 happening intermittently.

11 So we're actually pretty well versed in that
12 process now. And it can only get better under this
13 Common Core Standard approach.

14 Principle 2, the differentiated recognition,
15 one of the complaints from our schools under No Child
16 Left Behind was that the schools that were doing
17 well, that were performing and highly successful were
18 virtually ignored. And there was incentive, no
19 injection of funding to them to continue and expand.
20 And so under this, under the Flexibility Waiver
21 Request, one of the things that will occur is that
22 those schools that are doing well will be recognized,
23 and there will be some incentives and rewards, if you
24 will, for those schools that are continuing to do
25 well.

1 Principle 3 --

2 MR. HAMLEY: Principle 3, this is very in
3 line with the states that have -- it was introduced
4 through the race to the top through the Department of
5 Education, and this is a reformed initiative that the
6 Department of Ed is promoting and the country is
7 moving towards. So, likewise, it's in the flexible
8 request.

9 So we will work with schools to develop
10 evaluation and support systems for teachers and
11 principals that focus on their effectiveness and
12 inform professional development and improved
13 practice.

14 The evaluation and support systems, it's
15 going to be a policy for the Bureau-operated schools.
16 However, because of tribally-controlled schools and
17 their unique status, it will be optional for them.

18 However, the schools receiving SIG, this is
19 also a requirement of the School Improvement Grant
20 program. If you're receiving SIG money, it will be
21 required, even if you're a tribal school.

22 So this is something that we're going to
23 have to focus on as a school system is decide how
24 we're going to do this. But for Bureau schools, it's
25 moving forward.

1 Included in that will be something that's
2 new for the United States. And that is to improve
3 growth data on current students in the evaluation of
4 teachers. That can only be done in certain areas,
5 because we only collect data on certain areas,
6 reading, language, arts and mathematics. Later on,
7 it can be done for other subjects.

8 So the entire country is moving in this
9 direction, and the Bureau, likewise, will move along
10 with them.

11 MR. BOUGH: Sure. And this kind of
12 dovetails in with what we saw in Principle 2. You
13 know, you can tell how we look at things differently.
14 I really want to emphasize what it is we're looking
15 at in terms of school improvement tests and how
16 they're going to change to better reflect what it is
17 that we'll be doing under the system.

18 I look at it, and I say, well, what are we
19 doing accountability calculations. And one of the
20 things that Jeff has alluded to here is that we're
21 going to be using student growth scores for helping
22 to determine how effective our teachers and
23 principals are.

24 Student growth for the first time will be
25 measured in the BIE's accountability system. And

1 this is one of the things that our schools have been
2 crying out for, that they have had students who come
3 in, they're performing below grade-level standards
4 whenever they come in. They can do a full year's
5 worth of growth with those students, but they can't
6 get them to perform at grade level on that end-of-the
7 year test. They really don't get credit for that
8 student.

9 And so they say, you know, we're doing
10 really good with these kids. We could even get them
11 up close to proficiency, but unless they attain
12 proficiency, we're missing out on a large part or
13 what it is our schools are able to accomplish with
14 these students.

15 And so the establishment of individual
16 student growth targets is extremely important. It's
17 going to be something new. It's going to be measured
18 from the beginning-of-the-year tests to the end-of-
19 the-year tests. And it's probably a better measure
20 of what's actually going on at the school.

21 And we see the same things, this being
22 echoed in Principle 3 when we start looking at how
23 principals and teachers are going to be evaluated in
24 their jobs.

25 MR. HAMLEY: And, again, Principle 4,

1 ironically, the Department of Education is asking us
2 to reduce duplication and unnecessary burden. But
3 this has been a complaint from the schools for a long
4 time, that the Bureau itself requires a lot of
5 duplicate reporting.

6 So we hear that. We've heard it before.
7 We've tried to reduce it. But in this case, we'll
8 have a more systemized approach. And we want your
9 feedback about how we can do that.

10 So if it's not statutory, or regulatory, or
11 if it doesn't impact on student outcomes, we're going
12 to look to eliminate the reporting and the data
13 collection.

14 And, also, we're in the process of
15 evaluating how we will do that. But your feedback is
16 needed on that.

17 So take a breath now, and we'll talk about
18 some of what we're doing for our flexibility
19 requests.

20 So we intend to submit flexibility requests.
21 There's a September submission -- do you remember the
22 date, Brian, September 6th or 4th?

23 MR. BOUGH: I think it's, like, the 9th.

24 MR. HAMLEY: The 9th. So we intend to
25 submit for that date. We've been in the process of

1 soliciting input from stakeholders around the
2 country, and now we're going through tribal
3 consultations. We will revise that.

4 What is out there on the street now is a
5 draft. When we submitted it, when we put it online
6 several weeks ago, it was intended just as a draft, a
7 skeleton. And the rest will be finished with input
8 from the stakeholders, so your input is very
9 important.

10 It's a little different for us than it is
11 for States. First, we have to amend one of our own
12 internal regulations, 25 CFR 30104(a), and you all
13 know what that is. But that requires the use of --
14 the Bureau's use of the 23 state accountability
15 systems. So we're in the process of doing that.

16 And we plan, as Brian has mentioned, too,
17 and Roxanne, to implement a single Bureau-wide
18 accountability system. We think that's going to have
19 a dramatic impact on students' achievement. And so
20 we're working towards that goal. And stakeholder
21 input and tribal consultation are key components. So
22 we're very aggressively, very, I guess the term to
23 use is "robustly" trying to get that. And we're also
24 seeking input from the tribal leaders about amending
25 25 CFR, and, specifically, implementing a unified

1 accountability system.

2 MR. BOUGH: And your input is valuable. It
3 is being considered, and it is being put into our
4 flexibility requests. So if you've got ideas, we
5 really want to hear them. And that's why we have a
6 Court Reporter here; that's why we've got our
7 notepads ready to go.

8 You know, by no means do we consider
9 ourselves to be the end-all, be-all with regards to
10 what our accountability system should be. Good ideas
11 come from everywhere, and we take them and
12 incorporate them.

13 During our first public airings of our
14 proposal, we've gotten several very good ideas. And
15 I think the Tribes, they're very much wanting to see
16 in the accountability system what would make them
17 more likely to adopt it, make it more likely that it
18 will be something they really want to have their
19 students be educated towards.

20 So your ideas are being very seriously
21 considered and incorporated into our proposal.

22 MR. HAMLEY: Some of the benefits. We want
23 to make student achievement the centerpiece of what
24 we do in the school system and have all of our
25 resources focused on student achievement.

1 As you know, sadly, the Bureau, student
2 achievement is well below the national norms. It has
3 been at the bottom for a long time. And we need to
4 take aggressive action to change that. We think this
5 is a step in that direction.

6 Accountability determinations will be more
7 reflective of actual school performance under the new
8 system.

9 Using a unified accountability system -
10 standards, assessments, and accountability criteria
11 will level the playing field for all schools, we
12 feel.

13 And this is really important. The
14 accountability system will give credit to successful
15 efforts and be less punitive than the AYP system,
16 specifically, schools will be acknowledged for the
17 growth they're making, the progress. We have a lot
18 of schools that are actually doing some good things
19 that are showing growth each year. They may not make
20 proficiency at the level that would match the norms.
21 But they are making progress. But they are not
22 receiving credit or acknowledgment under the current
23 system. So that will be changed. They will be given
24 credit under this new system.

25 Alignment in accountability will allow the

1 BIE to better leverage technical assistance and
2 professional development. Specifically, what we're
3 talking about there is when we have such a fragmented
4 system of the 23 standard assessments, it's hard to
5 organize professional development towards student
6 achievement. So when we go to a unified system,
7 we'll be able to have better control over that and
8 better use of resources.

9 Additional benefits are -- what's going on
10 is there's been a national reform movement starting
11 with, I guess, the race to the top. And the Bureau
12 was left out of some of those reform movements and
13 there's been slow improvement, is another example.

14 Now, we are included in that one. There was
15 a teacher incentive program that was also a reform
16 effort. And we were left out of that one.

17 Here's another national reform effort that
18 was designed by, basically, it started with Common
19 Core, started with the governors, and then it was
20 taken over by the Chief State School Officers. And
21 we want the Bureau to join the national reform
22 movements and to be an active part of that. And
23 writing this flexibility request is a step in that
24 direction.

25 The most significant reform is the unified

1 accountability system across the Bureau schools where
2 we will use Common Core standards on assessments and
3 common accountability methodology.

4 MR. BOUGH: Yes. And I can't drive it home,
5 the first point hard enough. When we've been talking
6 with the Department of Education, they really didn't
7 consider us when they decided to change and offer
8 this flexibility to the States. So many States are
9 enacting flexibility in such a way that it's so
10 complicated that we aren't able to calculate AYP in
11 the new manner. And so the Department of Ed said you
12 guys can continue to do AYP the old way under the old
13 AYP systems until re-authorization happens.

14 And so when we look at this request for
15 flexibility, it's very important for us to move
16 toward, not just to stay contemporaneous with what
17 the States are doing, but, also, get out of the old
18 AYP systems, as the States have been allowed to do.
19 Otherwise, we're going to continue under the same old
20 model and the same old punitive outcomes, and it's --
21 you know, it's measures that it takes against schools
22 are identified as not making AYP. And you have to
23 remember that AYP, the AMO, the annual measure
24 objectives, are still slated to reach 100 percent by
25 2014 under that system.

1 So I think this is our opportunity, and we
2 want to move forward with the best possible
3 application we can put together. And I think that
4 your input will provide us much of what we need in
5 order to make sure that this is responsive to your
6 needs, and it will be something that you believe is
7 also reflective of what is going on with your school.

8 Any kind of accountability system that
9 doesn't have the buy-in from the schools really
10 doesn't succeed in what it's trying to do, improve
11 student outcomes and improve student achievements.
12 Because if you're constantly at war with the
13 accountability system itself, you're not going to be
14 committed to making the kind of changes that the
15 accountability system may be trying to measure.

16 So let's get something that's a better
17 measure of what our schools are able to accomplish,
18 and then let's get behind it. And that's where we
19 would like to be as a Bureau.

20 MR. HAMLEY: With that we've concluded our
21 overview. And now we'll open up for questions,
22 clarifications.

23 And then, just to point out, the flexibility
24 request itself and the associated materials,
25 specifically, the summary, are available at bie.edu.

1 And then the way to submit comments are through this
2 e-mail address: Eseaconsultation@bie.edu.

3 Now, the Tribal Leader that went out listed
4 another site. But, apparently, the materials are
5 still being put up on that site. And it also listed
6 an address where you can mail comments. But that's
7 in the Tribal Leader letter.

8 This PowerPoint will also be put on the
9 website.

10 So with that, we open up the questions.
11 Just to remind you to state your name and your
12 affiliation for the record, because we do have a
13 Court Reporter available.

14 MR. HAMLEY: At the beginning of the
15 session, we had gone around the audience and
16 introduced everyone. I see we have some new folks
17 joining us. Did you want to introduce yourself?

18 Sir?

19 MR. PICKERING: Oh, me?

20 MR. HAMLEY: All of you.

21 MR. PICKERING: Oh, okay. My name is Dwight
22 Pickering. I'm the Director of Indian Education for
23 the State of Oklahoma, Oklahoma State Department of
24 Education.

25 MR. HAMLEY: Welcome.

1 MR. COLBERT: I'm Bo Colbert of Muskogee
2 Creek Nation Chief of Staff.

3 MR. JOHNSON: I'm Wayne Johnson. I'm also
4 with Muskogee Creek Nation. I'm the Director of
5 Education and Training for the Tribe.

6 MR. HAMLEY: So with that, do we have
7 questions, or do you have any clarifications that you
8 want provided from us, or a comment you wish to
9 make?

10 MR. BOUGH: We're going to start handing the
11 microphone around and forcing everyone to make at
12 least one comment.

13 MR. PICKERING: Dwight Pickering, from the
14 State Department of Education for the State of
15 Oklahoma.

16 What kind of time frame are you looking at
17 as far as getting that changed over to the Common
18 Core?

19 MR. BOUGH: The Common Core roll out will be
20 accomplished through a contract that allows our
21 schools to be trained up in mathematics and reading
22 in this first year. And then as the Common Core
23 consortia start identifying other areas, such as
24 science, history, geography, where they want to have
25 a set of standardized standards made available to the

1 States. Then we'll start adding those on in the year
2 after.

3 So we're going to try to implement the
4 Common Core, as best we can, in the 2012-2013 year.
5 But we realize that may not be a task that's entirely
6 possible to do.

7 The contract we're going to advertise here,
8 which should be any week now, will be to have all of
9 our schools receive onsite training at the school in
10 Common Core standards for both mathematics and
11 reading.

12 This is a fairly ambitious schedule. You
13 know, as a State person, I know you realize that this
14 is something that takes usually one and a half to two
15 years to implement. So we're trying to ambitiously
16 do it all in one year.

17 MR. HAMLEY: In talking to States, we also
18 see that, well, they adopted it in letter form and
19 officially through an announcement in the last year,
20 several months ago. They're doing, basically, the
21 same thing we are. They've adopted it, but it's
22 going to take a while to implement. So we're pretty
23 much on the same schedule as states, probably a
24 little bit more behind. But that's the Bureau.

25 Your name, please? Would you state your

1 name?

2 DR. ARNOLD: Dr. Arnold, Kickapoo Nation
3 School. Consultant.

4 I have kind of a two-part thing. First, I
5 want to recognize that I appreciate the Bureau doing
6 this. I think it's well worthwhile and past due.
7 And, also, for your summary of what's going on.

8 Our question, I guess, is kind of to add
9 onto the core. What type of assessments and things
10 do you have in the process that we can use in place
11 of our State assessments which, I think, are
12 terrible?

13 MR. BOUGH: Sure. We are actually getting a
14 contract task order together. That should be issued
15 maybe today. Until I can say the task order has been
16 issued, I can't tell you which specific assessment we
17 will be using.

18 But let's just say that it's a major brand
19 of assessment that makes its money, principally, off
20 of aligning its assessment towards each State's
21 standards.

22 Already, probably, 95 percent of you know
23 which assessment I'm talking about. We will be
24 issuing that task order and schools will be asked to
25 test three times per year, fall, winter and spring.

1 They may assess an additional time during the year
2 for their own purposes. So they might be able to do
3 something maybe a month and a half or so before the
4 final test to see where the students are achieving.

5 So we have an assessment, and this will be
6 aligned to the Common Core Standards. This is a
7 little bit different. If you know how this test
8 vendor works, they have a massive standards bank or a
9 massive test question bank. And they pick out and
10 they choose the test questions that most closely
11 aligns with each State's standards.

12 So they're able to very quickly pick those
13 questions that align to the Common Core Standards.

14 The assessment itself is what we call a
15 vertically integrated scale, which means that you
16 start in third grade. And in our case, we're going
17 to end our assessment system in high school, in 10th
18 grade. And we are going to measure 9th grade, as
19 well, so we can have a continuum that looks at
20 student achievement across time. All those test
21 scores are comparable with one another across grade
22 levels.

23 If you know anything about assessments at
24 all, you probably have already figured out exactly
25 which assessment I'm talking about.

1 So does that answer your question?

2 MR. PICKERING: That answers it, yes. Thank
3 you.

4 I guess I could add onto that to know that
5 we're planning to implement some of those things this
6 year. Is it possible -- I know we have to go through
7 our line officers and so forth. But is it possible
8 for us to switch over and (inaudible) like this
9 process this year instead of doing our State process?

10 MR. BOUGH: Yes -- oh, the time line
11 itself. I'm sorry. I missed that portion of it.

12 The time line itself is that we will make
13 the assessment available to all of our schools,
14 regardless of what the outcome is on the waiver
15 request. Worst case scenario, you have the BIE
16 paying for your school to take this other assessment,
17 which is a grand informative assessment that many of
18 our schools use very effectively to improve
19 instruction.

20 So if we can't get out of the AYP handcuffs,
21 you will still have this assessment available at your
22 disposal. If the waiver application or waiver
23 request is approved, then we'll also be using it for
24 accountability purposes. And that spring assessment
25 will be used both for the assessment of achievement

1 and for the accountability determination of student
2 growth across the academic year.

3 MR. PICKERING: Okay, thank you.

4 MR. BOUGH: And then you won't have to
5 assess using the State assessment.

6 MR. JOHNSON: Wayne Johnson, Muskogee Creek
7 Nation.

8 Then what would happen with the term "AYP"?

9 MR. BOUGH: I'm already sick of using it.
10 So I think we'll just stop using it.

11 We, very generically, refer to that as an
12 accountability determination. I think we're going to
13 have to wait for reauthorization of the Elementary
14 Secondary Education Act to see what the new phrase
15 will be for that outcome. Either you made a
16 satisfactory accountability determination or you made
17 an unsatisfactory one. I think that's the way we'll
18 most generally refer to it.

19 What we have done here, and this is not
20 going to be altogether clear, unless you're reading
21 the document itself, is that we're going to redo the
22 annual measure of objectives to be more reflective at
23 the achievement levels at our schools and at each
24 school individually.

25 And so when we do the initial baseline here,

1 which will, hopefully, be this upcoming year, we're
2 going to set benchmarks for each school to attain in
3 the subsequent year; that is their new AMO. Instead
4 of having an AMO for every single category like we
5 have under No Child Left Behind, where if you didn't
6 test one student enough in math, so you were one
7 student short in testing, then the entire school
8 missed AYP.

9 That's an extremely punitive and an
10 extremely high and extremely rigorous set of
11 standards by which you're judging a school. And
12 it's, really, a bit unfair.

13 Under the new system, we are just going to
14 have one annual measurable objective that applies to
15 the school. So, like, if your target for math is 70
16 percent, but you got 75, that surplus 5 percent could
17 be applied to the reading score. If you're supposed
18 to have same target at 70 percent, but you only got
19 66 percent, then overall when you start combining all
20 the scores together into our accountability index and
21 compare that with the school's overall annual
22 measurable objective, the school can still meet that
23 particular requirement.

24 I'm sorry if I'm a little technical.

25 MR. HAMLEY: Any other questions?

1 MR. JOHNSON: Wayne Johnson again.

2 The flexibility waiver, it sounds like we're
3 jumping the gun here a little bit. Are we talking as
4 if, you know, the core standards are going to be
5 implemented? Can they be implemented without this
6 waiver?

7 MR. BOUGH: The what are going to be
8 implemented?

9 MR. JOHNSON: The use of the core
10 standards. Can they be implemented without the
11 waiver from the Department of Ed?

12 MR. HAMLEY: Well, the States -- I mean,
13 say, for example, hypothetically -- this is Jeff
14 Hamley. I'm sorry for not identifying myself.

15 Say the request was not approved. I mean,
16 States are already adopting the Common Core. So
17 either way, the schools, the 23 States, I think, have
18 they all accepted the Common Core? Except for
19 Minnesota, I guess. Have already accepted the Common
20 Core. So that's going forward, even without the
21 Bureau doing anything.

22 And we have sent out a letter telling the
23 schools that we're keeping pace with the States.
24 They have switched to the Common Core. We, likewise,
25 you know, we understand that they will also switch to

1 the Common Core with their States.

2 And when the waiver request is approved, we
3 are moving forward with the Common Core Standards.
4 In fact, we've already instituted training on the
5 Common Core ourselves.

6 So the Common Core is here to stay. It's
7 been adopted, and it's more or less just pro forma
8 that the Bureau get approved from the Department of
9 Ed, as well.

10 MR. JOHNSON: So in other words, the
11 schools, in a sense, are already aware that the
12 Common Core Standards are going to be utilized, and
13 they're making appropriate adjustments to their
14 curriculums and their teachings and things?

15 MR. BOUGH: Exactly, and there are
16 regulations. Until we have approval of the
17 flexibility request, we're still bound by the 23
18 different State standards. Except for Minnesota and
19 California, we have adoption of the Common Core in
20 every State that we have a BIE funded school in.

21 In Minnesota, the actual fact of the matter
22 is that their standards are a little bit higher than
23 the Common Core, I believe, in mathematics. So it's
24 more or less the same thing as being aligned.

25 California, I think, their problem is they

1 have way too large of a school system to effectively
2 manage the transition with that many teachers and
3 students over to an entirely different system of
4 standards. So it's more of a practical matter there.

5 And our schools there aren't generally
6 affected by that level of standards change because in
7 our Sherman school in Riverside -- I love how the
8 Bureau has so many schools named Sherman or
9 Riverside. They don't have that much cooperation
10 with the State of California. So they're not really
11 going to be greatly affected by the change in
12 standards or nonchange in the standard.

13 MS. BROWN: This is Roxanne Brown, Associate
14 Deputy Director - East with the BIE.

15 In response to one of your questions,
16 Dwayne, is that -- you know that we have three
17 regions in our Bureau, east, west, and Navajo. And
18 across the Bureau, we have schools that are at
19 differing levels of awareness, understanding and
20 implementation, even of the Common Core Standards.

21 But what we've done in the east is we've had
22 some training in Common Core Standards. We've got
23 our line offices, and some of our schools'
24 superintendents, the new ones are coming in next week
25 for a full day of training for awareness and

1 understanding.

2 But the line offices of which there are nine
3 in the east, one includes the Oklahoma line office,
4 are tasked with developing a plan for unfolding this
5 with their schools across their line office, as well
6 as surveying their schools to see at what level of
7 readiness they are, and developing, kind of team
8 approach to begin implementation. And that includes
9 information and consultation with the Tribe, with the
10 Departments of Education or education committees, the
11 unions, and the parent communities, school community.

12 So that's kind of the approach we're
13 taking. And we're being a little more proactive than
14 usual, I think. But I think we cannot afford to
15 ignore the college and career readiness aspect of
16 this on behalf of our kids, because, as we all know,
17 we certainly haven't done an admirable job thus far.

18 So we're kind of pushing elbows, I think,
19 with some of the States and the public school
20 systems. We're not really that far behind in where
21 we are right now.

22 MR. HAMLEY: I want to mention one other
23 thing about the Common Core. Key to the effort that
24 we're doing is NASIS, the Native American Student
25 Information System. We are actually -- I don't know

1 the technical term, but embedding the Common Core
2 Standards into NASIS.

3 So schools that are robustly using NASIS now
4 will be ready to assess the Common Core Standards as
5 they're put in there -- and schools that are playing
6 catch up on these, and we do have some schools that
7 still don't fully utilize it, they're going to have
8 to do some work in order to access the Common Core
9 Standards.

10 And I apologize to the reporter, Jeff
11 Hamley.

12 Any other questions?

13 MS. FATHEREE: Catherine Fatheree, Oklahoma
14 (inaudible) line office.

15 If the flexibility waiver is passed, when
16 will the grant schools who are not employing the
17 current testing program that I believe the Bureau is
18 leaning towards, when will they be expected to give
19 that test, like, expected to give the winter one?

20 MR. BOUGH: I think that we can stand up and
21 get the assessment in place rather quickly. There
22 are two different flavors in the assessment that we
23 are intending to use. One is a server-based flavor,
24 which is going to be available to all of our schools,
25 even the ones that have very small bandwidth and have

1 real problems connecting to the Internet.

2 This is something where they can download
3 the assessment to the school on a local server. And
4 when they take the assessment, it's contained in the
5 local server of the school, and then it transmits the
6 results back to the home office.

7 Then there's the Internet-based version,
8 which is strictly on the Internet. So the schools
9 are granted access through the website. The students
10 take the test there. And the results are already
11 contained at the test vendor on their computers. So
12 they're ready to go.

13 So the turnaround time on this is fairly
14 quick. Once we get the new assessment in place and
15 ready to go, we will notify schools to start working
16 with this assessment vendor to make sure the
17 assessment is in place.

18 The plan that we've come up with for rolling
19 out the flexibilities that would apply to all
20 schools, but would make the old AYP systems available
21 as an alternative definition of AYP, if the Tribes
22 chose to align to the old State's standards at that
23 point, or the old State standards or AYP at that
24 point.

25 MS. FATHEREE: So are you talking fall or

1 winter?

2 MR. BOUGH: We're talking about getting this
3 out in the fall, August, September.

4 MS. ROGERS: Sharon Rogers, Choctaw Nation.
5 Going on with her, according to the time
6 line, when are you planning on training the teachers
7 or the coordinators for the schools on implementation
8 and assessment, and where do we stand on that?

9 MR. BOUGH: The assessment vendor is already
10 working with us in terms of developing the test, the
11 administration protocols. An assessment protocol
12 manual will go out to the schools. We will do some
13 web access, some teleconferences, something we're
14 going to be working with the test vendor to assure
15 that we are protecting the test. And that the
16 teachers and test coordinators know how to implement
17 the test thoroughly, confidently, and what to do if
18 things don't go the right way.

19 So these will be addressed. We're already
20 addressing them with the test vendor. We have a
21 contract with them already, so this is just the
22 establishment of a new task order, just for the
23 implementation of the test.

24 MS. ROGERS: Karen Rogers.

25 And all the assessments are online? Are

1 they online tests or, do you print them out?

2 MR. BOUGH: Well, combination. You have the
3 online version, and then you have one that can be
4 downloaded to the school's server and taken there.
5 And then the results --

6 MS. ROGERS: It's still through the
7 computer?

8 MR. BOUGH: These are all computer-based
9 assessments.

10 MS. ROGERS: How does that affect the
11 special education students as far as do they get
12 accommodations, or do you order special tests for
13 them, or how does that work?

14 MR. BOUGH: The accommodation that's
15 available to all students immediately is that you can
16 take as many times as necessary to complete the
17 assessment. That's where we see most of the
18 accommodations that students testing in small groups
19 or by themselves. That's also accommodated
20 immediately.

21 The State of Utah is already using this test
22 as a pilot in several of its counties. And it does
23 accommodate special education needs, as well as, I
24 think, the regular set of accommodations.

25 What I don't believe is currently

1 accommodated is a braille test form. But I'm sure
2 that they have some way in which they can get the
3 test for students. Maybe we would simply have the
4 teacher read the test questions aloud and have the
5 students respond accordingly.

6 So there are ways to accommodate, and we are
7 pretty confident in the vendor's ability to address
8 those accommodation needs.

9 MR. HAMLEY: The vendor is -- the vendor
10 administers this test worldwide. So in 40 countries.
11 So they've very thoroughly dealt with these issues.

12 Other questions?

13 MR. DEARMAN: Yes. This is Tony Dearman,
14 Superintendent of Riverside Indian School.

15 I have a couple of questions. Brian, did I
16 understand you correctly that this test is going to
17 be available this year for assessment?

18 MR. BOUGH: Yes, you're correct.

19 MR. DEARMAN: Okay. Because we've paid
20 \$20,000 to the State to take the State test, so I
21 need to know that so that we don't go ahead and start
22 purchasing the tests.

23 MR. HAMLEY: And that's one of the realities,
24 not just for the Bureau, but for all the States, is
25 the time line of this and the approval process with

1 Ed sort of catches everybody in the middle of making
2 decisions. So it's not -- it does -- so we need to
3 maintain very close contact on, you know, your
4 decision points and what's going on with the waiver
5 request.

6 So that's something that we'll have to work
7 out. But that's what we need to be aware of, is
8 those kinds of decisions that cost money and staff
9 time and effort. We don't want money or effort
10 wasted.

11 But the reality is, because we're going
12 through a radical change here, not just the Bureau,
13 but all the States, it's catching us in a way that
14 it's not, you know, conducive to make timely
15 decisions in some cases.

16 So we have a lot of those different issues
17 that we're trying to keep an eye on and resolve one
18 by one. So that will be another one.

19 So be sure and keep in touch with us on that
20 one.

21 MR. HAMLEY: When is the test ordering
22 deadline for this? When we're getting all the
23 requisitions and everything now.

24 MR. BOUGH: So you're talking about getting
25 contracts in place?

1 MR. HAMLEY: Yes, because that whole process
2 has to go through contracts, because it's above the
3 threshold. So everything is getting ready to go now.

4 MR. DEARMAN: Tony Dearman again.

5 Another question is: Will the graduation
6 rate, you know, this past couple of years we went
7 through the Cohort. Will that be in effect?

8 And then, also, special ed cat, are we still
9 going to do all the little sub-areas and go by what
10 the State has? Or are we going to have new
11 regulations with this test, this new assessment
12 company?

13 MR. BOUGH: In regards to both areas, what
14 we're going to have is the ability to really affect
15 what our request looks like.

16 Up in South Dakota, they proposed changing
17 the graduation rate to be about 90 percent of what
18 the State had determined and ten percent of the
19 Cohort graduation rate required by the U.S.
20 Department of Education.

21 The Department of Ed said, no, you can't do
22 that. So they sent them back to reformulate their
23 request to be something different.

24 The U.S. Department of Education is sticking
25 with the on-time cohort graduation rate come heck or

1 high water. And around here, it seems to be more
2 heck than high water. There's not much rain.

3 But what we see in our proposal right now is
4 a hundred percent alignment with that graduation
5 Cohort calculation. That's an extremely stringent
6 standard.

7 And so one of the things we're asking for
8 schools that have input, I know Kickapoo also has a
9 school here, is a better way to formulate that that
10 includes some portion of that Cohort graduation rate
11 that's, obviously going to be higher than ten
12 percent, because we know that that's an automatic
13 fail with the Department of Education on their
14 analysis of the stuff.

15 But it looks at other measures, as well.
16 Maybe you want to say the National (unintelligible)
17 Association rate. Or maybe you want to talk about
18 computer rates.

19 One of my initial offerings was reduction in
20 dropouts across time is a way to get credit for
21 completion of high school. We can look at students
22 who graduate in fifth and sixth years.

23 I think in our school systems, that's
24 incredibly beneficial to have students that remain in
25 school and graduate.

1 So these are important factors we can put
2 into the system. And if you have very specific
3 ideas, or even if you have general ideas, we'd like
4 to see those comments made.

5 What was the other question?

6 MR. DEARMAN: The special education, the cap
7 that's put on the percent that you can actually count
8 towards the AYP.

9 MR. BOUGH: And, again, if you have specific
10 recommendations on that, I think you should make
11 them.

12 Approximately, 16 percent of our student
13 population receives special education services of one
14 kind or another. If you compare that with the
15 States, that tends to be, you know, States have
16 anywhere from eight to ten percent. So we're talking
17 about a special education population that's well in
18 excess of what we see at State schools. This is, in
19 part, a recognition, I think, on behalf of parents,
20 that say that, yeah, each school has received a
21 higher level of funding for their special education
22 students. And that usually comports with a higher
23 level or a higher quality of service.

24 So we have, in a sense, an ability to
25 attract specific education students to our system.

1 So we'll leave aside for the moment any problems with
2 over identification of special education students.

3 But I think that it really balances out.

4 So the assessment caps of one percent, two
5 percent, as they're currently implemented, are not
6 really reflective of the realities are in our system.

7 And if you have a better way to devise that,
8 I think that will be welcomed.

9 In the application, as it currently stands,
10 what the BIE does at the DPA level is that we review
11 the actual choice of assessments, either alternate
12 standards or modified standards for the special
13 education students by reviewing the IEPs of those
14 students and if it is reflected in the IEP, then we
15 consider that to be a valid test for that particular
16 student. And, therefore, we don't have any doubt.
17 We simply say, is it in the IEP; is that IEP properly
18 formulated and does it reflect that student's
19 particular needs. And then, is that student assessed
20 appropriately based on those first two criteria.

21 And, again, I'm sorry for being technical.
22 But it's a bit of a technical question.

23 MR. DEARMAN: And the next question is NWA.
24 Is the NWA still going to be pushed by BIE? What
25 we've done, we've started testing with the NWA,

1 looking at growth model. So we've started collecting
2 data on our students, and we find out the elementary,
3 fourth through eighth are coming in averaging about
4 two years behind. In high school, we're up to four
5 years behind. And the reason we're doing that is,
6 you know, as teachers, we're were teaching all year,
7 working hard and taking the State test and not making
8 AYP and just feeling defeated.

9 But then, what we've done this year say,
10 hey, look at the growth. Look where we're at.

11 And what we've also done with NWA, it's
12 really helped us predict, like that mid-term test.
13 All right, here are the kids that are on the bubble.
14 These are the ones we really need to focus on. And
15 it's helped us.

16 Will this align with the new assessment that
17 you're looking at NWA?

18 MR. BOUGH: I think you're going to be very
19 happy with the assessment that we choose.

20 MR. HAMLEY: That's all we can say.

21 It's a contracting issue. We have to -- but
22 can't get ahead of the contract. But we're expecting
23 a decision any day now.

24 MR. DEARMAN: I have one more question. If
25 there are three assessments on this new assessment

1 you're looking at, then what would be the purpose of
2 the NWA? It sounds like this assessment is going to
3 take the place of the NWA. And if it does -- and,
4 again, we're doing requisitions to renew these.

5 MR. HAMLEY: We'll get information to you on
6 that.

7 MR. BOUGH: I think you will be very happy
8 with the selection of the test. It will be something
9 very much in line with what you have in mind. There
10 won't be any other --

11 MR. HAMLEY: The focus will not be any
12 different than what you're doing. The key word now
13 in the assessments is growth. And we will continue
14 the growth approach because that was the major piece
15 that was missing from the whole assessment scenario
16 under AYP. Growth is key now. So we will continue
17 to focus on that.

18 MR. SPEARS: Brad Spears, Jones Academy,
19 Choctaw Nation.

20 How will the, I guess, definition of full
21 academic year or not full academic year on students
22 that will count on your testing, how will that work?
23 I know now with the study in Oklahoma, if they come
24 in within the first ten days of school, then they are
25 considered a full academic year student. How will

1 that change?

2 MR. BOUGH: One of the ways in which we're
3 way ahead of most of our States is that we have a
4 NASIS system, a student information system, that
5 captures the amount of time the student is actually
6 enrolled in school in terms of number of
7 instructional days.

8 The way in which the BIE has proposed to
9 handle the full academic year question is by looking
10 at the percent of time that that student was enrolled
11 with the school.

12 So if this kid comes in and is only there 60
13 percent of the year, then when we look at that
14 student's assessment score for both growth and for
15 achievement, we multiply it by .6, and we create an
16 index of all students that are based on this that is
17 the difference between their potential, that is if
18 they score proficient in their achievement level and
19 they hit their growth target, and divide that into
20 whether they actually accomplished that.

21 So if a student is there 60 percent of the
22 time, then their effect on the system will be only 60
23 percent of that of a student that's there 100 percent
24 of the time. And so we would look at that across all
25 students and then divide by the total number of

1 students.

2 And, essentially, we're creating a large
3 index. So we don't have to really worry about that.
4 Schools will be held accountable for all of their
5 students at this point. But they're only going to be
6 held accountable to the extent that student was
7 actually enrolled in school.

8 That's a qualification that most States
9 aren't able to make. And that's simply because it
10 requires a lot of data going into their student
11 information systems. And they, typically, don't have
12 the capacity to address it at that level.

13 I think Kentucky has adopted it, the same
14 vendor we have for our NASIS system. And they could
15 probably do the same calculation with their
16 students. I don't know if it's occurred to them.
17 But, for us, it occurs to us because we have a high
18 level of mobility with our students.

19 And so the one example I'd really like to
20 use is Theodore Jamerson Elementary School, which is
21 up with the United Tribes Technical College in
22 Bismark. Those are children of students at the
23 college. And so these kids may or may not be there
24 for a full academic year by North Dakota standards.

25 In many cases, they're not, because their

1 parents come in. It's a two-year school. And the
2 student may or may not be there the entire year at
3 the college level. And then so the students'
4 students aren't there for a full academic year at the
5 elementary school.

6 And we look at their test scores and,
7 particularly, look at their NWA scores, and we see a
8 remarkable amount of growth in the students.

9 But Theodore Jamerson, until this last year,
10 has not made AYP simply because that full academic
11 year rule didn't fit with what was going on in the
12 school itself. So that full academic year rule can
13 be extremely punitive.

14 In North Dakota's case, they do fall
15 assessment, which means that the student had to be
16 there last year in order for that student to be
17 counted on the assessment or for AYP purposes.

18 We see similarly stringent rules in New
19 Mexico where they have to be there test period to
20 test period. Well, if you have a highly mobile
21 student population, even if the student moves away
22 and then comes back, we can't count them, because
23 that's not continuously enrolled under that
24 definition.

25 So I hope that answered the question.

1 We tend to sort of do away with the
2 definition of full academic year, and then just
3 restrict it down to only that amount of time in which
4 the student was actually enrolled at the school.

5 **MR. SPEARS:** And so, basically, in order to
6 get that growth, that means the student would have to
7 be at your school at least to be able to test twice
8 with this new system to see the growth. If there's
9 only been one test, you wouldn't really know unless
10 they went to another school somewhere in the BIE
11 system.

12 MR. BOUGH: Yes. And I don't know how we
13 want to handle transferability of student test
14 scores. That's something we might want to look into.

15 Ideally, you want the middle assessment to
16 bisect the first and last assessment. There are an
17 equal number of instructional days between each and
18 every assessment. So if the student isn't there at
19 the beginning of the school year, you can assess them
20 in the middle. And then each student will receive a
21 progress goal that they need to make by that end-of-
22 the-year assessment based on the number of
23 instructional days remaining in the school year.

24 So if you have a beginning-of-the-year
25 assessment, they're going to be expected to have a

1 higher scale score increase by the end-of-the-year
2 assessment than they will if they take that middle-
3 of-the-year assessment.

4 We looked at, and I don't think we can
5 assess students less than 12 weeks prior to the
6 end-of-the-school-year assessment, because that
7 assessment is not that good with giving you a good
8 growth goal for that particular student in that time
9 frame.

10 So the student will be excluded from the
11 growth category, but then still be there for the
12 proficiency category.

13 And, again, proficiency would only be
14 limited down to that percentage of time the student
15 was actually enrolled in school.

16 MR. SPEARS: And what is the recommendation
17 on giving the second test? Should we have give it
18 before Christmas break, the two-week break, or after
19 Christmas break? What's the recommendation?

20 MR. BOUGH: I recommend that we do it
21 before. I know Roxanne does a lot more work than I
22 do with school and may differ. But for us, the
23 purpose -- and this is something that's not really
24 explained all that well in the overview, is to really
25 (unintelligible) the school improvement strategies.

1 So if you get the test scores back during
2 the time that the kids are on Christmas break, then
3 you can start addressing the instructional weaknesses
4 at the school and congratulating teachers when they
5 have particularly good strengths that are
6 demonstrated on the assessment. And say, okay, you
7 guys did great in these areas; let's address these
8 other areas when students come back so that they're
9 prepared for the spring assessment.

10 MR. DEARMAN: This is Tony Dearman.

11 Is anybody working with the States to see
12 how this is going to affect accreditation? Because I
13 know that, when we have our accreditation visit, part
14 of the State assessment is part of the accreditation.

15 MR. HAMLEY: Well, I - no, we are not,
16 specifically, talking to the States about
17 accreditation at this point. But that will be a
18 point to be discussed as we move on. I mean, I think
19 that's one of the topics that, because this is a
20 radical change, that there are a lot of loose ends,
21 and they're going to have to be addressed. And that
22 will be one of them that we'll need to talk about and
23 address.

24 MR. BOUGH: Yes. We're looking at the same
25 issue, even if we don't have flexibility implemented,

1 because we're going to be talking about our school
2 following the old accountability system of the state
3 and not the current one.

4 And so the accrediting agencies will be
5 looking at that, and just as equally, scratching
6 their heads. I think that, with regards to State
7 accreditation, the States are looking at us, and they
8 have some level of understanding as to what it is
9 that we're doing and why we're doing it.

10 In particular, when we talked with the State
11 of New Mexico about putting together a flexibility
12 request, they were all for it. They said that you
13 guys really need your own system. You need to move
14 away from our system. You need to do something
15 that's more specific to your schools.

16 The vast majority of our schools won't be
17 affected, however, simply because they're accredited
18 through regional accrediting agencies, not State-
19 based accrediting agencies.

20 North Central Association of Schools, I
21 believe, is our primary accreditor, particularly
22 across Navajo and in other areas.

23 DR. ARNOLD: Dr. Arnold, Kickapoo Nations.

24 This is a follow-up on that. That was one
25 of our questions, too. Is the Bureau looking at

1 working, like, with North Central a little stronger
2 to make it an accreditation and just get the heck
3 away from all these damn states? Pardon my French.
4 So we don't have to mess with that over and over?

5 The same thing with our teacher
6 certification type of things. Could there, possibly,
7 be something national that we can look at so our
8 teachers are certified and have certificates so we
9 can travel from state to state without having to come
10 into each state and try to do the antiquated system
11 that we have?

12 MR. HAMLEY: Well, by making those comments
13 here, you are making those recommendations and we'll
14 consider them. But those are, actually, ideas that
15 we have looked at, both for principal and teacher
16 certification, and trying to find a way to do that.

17 And then, also, upon the accreditation of
18 the school, you know, should -- what should our
19 relationship be with MCA? So that will be one of the
20 areas that we need to look at as part of the
21 flexibility request.

22 MR. DEARMAN: Thank you.

23 MR. BOUGH: I think your recommendation,
24 specifically, with regards to teacher certification,
25 are very sensitive to us, because we have this

1 problem in a lot of our schools where we have high
2 quality accredited teachers who are applying for jobs
3 in the wrong State. It would be nice to get rid of
4 that problem.

5 MR. DEARMAN: That's true.

6 I think that's one of the things, too, I'd
7 like to say -- we'd like to see BIE look at, is the
8 teacher qualifications. Because right now, you know,
9 we can get a teacher at Riverside that's highly
10 qualified, according to the State, but we can't hire
11 them because they don't meet BIE standards.

12 It kind of hinders us a lot of times in
13 hiring quality teachers, because, according to our
14 State that we're located in, they can teach. But
15 according to the BIE they can't.

16 MR. HAMLEY: That's -- I don't know how to
17 comment on that one. But, if you look in the
18 flexibility request in the main document, there are
19 specific issues in there that address questions, that
20 address -- that ask the applicants, and in most case
21 States, but also the Bureau, to work with its
22 institutions of higher education. They call it IAGs.

23 And on teacher preparation, and as we
24 explained in our request, well, gee, we're across 23
25 states. So we don't have an institution of Higher

1 Education. We have 23 institutions of Higher
2 Education. And it's not feasible that we work with
3 all of those institutions.

4 So it would be nice, and we don't even have
5 a sense at this point of data, although we started
6 researching it, where our teachers come in, what
7 States, what colleges and universities.

8 You know, and I guess if we identify two or
9 three colleges that clusters of them came from, we
10 could work with those to try and improve.

11 But the whole point of that, the reason the
12 Department of Ed is raising that as a reform issue is
13 because they realize that, you know, part of the
14 problem with education and outcomes is at the front
15 end of you train the teachers. And so that's
16 something the Bureau is going to have to figure out a
17 way, you know, to deal with, is how are we going to
18 address the qualifications of teachers at the front
19 end, you know, while they're still in graduate
20 school, getting their training and their
21 certificates, to be prepared to be highly qualified
22 in our system.

23 So that's a big challenge, but that's
24 something we're going to need to take on.

25 And I think your question. I'm not sure,

1 Tony, whether it's more about, you know, how the
2 eccentricities of being a Federal employee versus
3 just being, you know, a regular professional in the
4 teacher education system, because the Federal system,
5 as you know, it's difficult to get people hired and
6 to retain them. And it's very difficult sometimes to
7 get into the Federal system, even if you're very
8 highly qualified.

9 So that's been a problem that we have
10 identified, as well. And, you know, we're discussing
11 about how to address that issue.

12 MR. DEARMAN: Like your SIG program, there
13 were incentives for teachers to teach, you know. I
14 think if we're not careful, we're going to get into
15 the area where we're going to have a difficult time
16 filling our math and our language arts and our
17 reading, because that's the subjects that are really
18 being looked at. Instead of being punitive and
19 saying, you know what? Your test scores aren't
20 coming up, maybe we need to give some incentives to
21 be able to recruit quality teachers in those area.

22 Because, you know, right now, I've heard
23 people say, I don't want that subject because, man,
24 they're looking at my test scores. You know, I know
25 it's a school project, the school as a whole. But,

1 yet, you're looking at just those subject areas.

2 And, you know, I think we need to be
3 careful. We want the best we can get. If we can get
4 some type of incentive possibly to the recruitment
5 areas, that would be great.

6 MR. HAMLEY: Well, incentives are part of
7 what we're building into it. And we think that
8 incentives are important. And, also, support for
9 teachers who aren't doing as well, to help bring them
10 up. So we're going to have focused professional
11 development to assist those teachers.

12 But then the ones who are doing well, we
13 definitely want to recognize them. And we want
14 incentives, even monetary incentives.

15 But the other issue you raised about how
16 it's just certain areas that are tested, reading,
17 math, and science later on, is something the whole
18 country has recognized and dealing with, is a
19 dilemma. It's like, if you're going to look at
20 rewards or penalties, I guess, for certain areas of,
21 you know, achievement, you're leaving out many
22 subjects, social studies, art, music, you know, P.E.,
23 but a lot of different subjects.

24 So they get off easy. But the ones who are
25 teaching reading are going to get -- their every

1 action is going to be monitored and highlighted.

2 So that's something that actually the
3 country is beginning to deal with now. There are
4 some, you know, some think tanks around the country,
5 some special projects that are dealing with how to
6 deal with professional development with the
7 evaluation support systems for teachers and
8 principals, because of the complexity of it now.

9 So something will be coming out of that in
10 the future. But right now, we just have to ride the
11 wave with the rest of the country in trying to
12 resolve it as best we can.

13 MR. HAMLEY: Silence is okay.

14 One thing you haven't raised, it just
15 reminded me from Tony's question is: One of the
16 issues in the flexibility request, is the idea of
17 college and career readiness. And so the question to
18 us is, and to all the States in the country, is: How
19 are you going to measure college and career
20 readiness?

21 So I'll throw some ideas out, and maybe you
22 have ideas back. But I mean, from the research we've
23 done, it's shown that, you know, using, like a single
24 indicator, like a test score, is not really adequate
25 to measure, because you're not -- by college, you're

1 talking about like the formal Baccalaureate Degree in
2 an area.

3 But career could also be vocation. So how
4 does a single academic score measure across that full
5 dimension? Not very well.

6 So we're looking for ways to address that.
7 And I think, initially, what we'll do is probably --
8 I think we put this in there. If we haven't, we'll
9 clarify it. But we will do a linking study to --
10 well, a linking study has been done to the assessment
11 we're going to use, which, basically, establishes a
12 range of scores that correlate to success in
13 college. So that can be an initial step this first
14 year.

15 But, then, I think as a second step, a lot
16 of the States are looking at the ACTs, especially,
17 but also the SAT. And then the ACT is also built on
18 some corresponding programs that support just the
19 test taking that goes down to earlier grades to
20 prepare them to be college and career ready.

21 So we may want to expand what we do, rather
22 than just taking a test, to building some programs
23 that support getting people to be college and career
24 ready.

25 But the tests, like, with the ACT, we're

1 thinking of making that -- we would like to see that
2 done in all the schools throughout the entire system.

3 And so that would be, like, our second
4 proposal.

5 And I guess our third proposal would be to
6 follow what the States, see what happens, what
7 develops in the research front and to see if a better
8 approach to measuring college and career readiness
9 can be developed and then to try to adopt that when
10 it happens.

11 Any thoughts on that?

12 MR. JOHNSON: Wayne Johnson with Creek
13 Nation.

14 This area of readiness is always a testy
15 area, especially when we talk about American Indian
16 young people.

17 For one, we are such a small population of
18 people, you know. We don't have a lot of time to
19 spend calling out our young people to say whether
20 they're college bound or not. We've been doing that
21 for years. If I thought my ACT was an indication of
22 my success, which it wasn't, I wouldn't be Dr. Wayne
23 Johnson today.

24 You know, so you can use me as a role model
25 to say, in some respects, I think the ACT, SAT, any

1 of the tests that I took to get into my doctoral
2 program, in my mind, are somewhat bogus, you know.

3 So I think, as a people, you know, we have
4 to develop beliefs and attitudes towards what we
5 think about the education that our children are
6 receiving. Obviously, in the Creek Nation, there's
7 71 school districts. 41 of those have the Johnson
8 O'Malley programs, which is intended, certainly, to
9 provide assistance defining what Indian education is.

10 But, at the same time, I think that, you
11 know, when we talk about, you know, all these
12 assessments what we think is progress, I lived on the
13 Rosebud for eight years and Pine Ridge for two. And
14 I've tried to look back to see how many of my young
15 people were successful. And a lot of them are
16 successful, you know. They've gone on to create good
17 lives for themselves.

18 So when we talk about, you know, career
19 development, depending on what that career is,
20 whether it's at home, whether it's, you know, off the
21 reservation, certainly when I lived there, it wasn't
22 my intention to say, look, you're not going to make
23 it on the Rosebud. You need to get off reservation.
24 Well, this is where they're from. It's where they
25 live. And so the Creek Nation is no different.

1 I would like to think that all of the Creek
2 students or Indian students in the Creek Nation are
3 getting a fair and quality education, but they're
4 not.

5 You know, so as a leader in my Tribe and
6 education, how do I provide some assurances that that
7 is happening so that, when they come to my office and
8 say, Dr. Johnson, I want to go to Northeastern State
9 University. I want to go to Tulsa University. I
10 want to go to Oklahoma State. I want to go to OU.
11 You know, sometimes I just have to say, well, you
12 know, in spite of what you did in high school, you're
13 going to be bound by the ACT, the SAT. And, in many
14 instances, going to college isn't going to be your
15 reality.

16 So in my mind, rather than, you know, I
17 think that the Creek Nation is blessed in that we can
18 provide the necessary monetary support for our young
19 people, which is, obviously, a barrier for many of
20 our students trying to attend institutions of higher
21 learning.

22 But, yet, at the same time, the idea of
23 getting them in there is the other issue, you know.
24 And I think, in some respects, you know, what the
25 Federal bureaucracy in education represents, and what

1 we, as a Tribal Government represents, somewhere in
2 between there, you know, we need to start breaking
3 down some of these barriers simply because, you know,
4 our people represent less than two percent, you know,
5 of the population of this country. And when self-
6 determination came in in the early '70s, as did the
7 passing of the Indian Education Act, you know, we
8 thought, okay, here's the solution to defining what
9 Indian education means. You know, contracting out
10 schools hasn't worked. And so we're still stuck
11 battling those kinds of things.

12 And all of a sudden, it starts to create
13 these mind sets, you know, that we have. In my mind,
14 our children ought to have an opportunity to go to
15 college, period, you know. And I think until we can
16 start breaking down the fact that we have to use all
17 of these tests to say whether they get there or
18 whether they don't get there, you know, I think,
19 somewhere in there, when we talk about flexibility,
20 you know, I think that's the kind of flexibility that
21 we need instead of, you know, just basing everything
22 on these somewhat similar attitudes that we have
23 sometimes with our children. Because we, you know,
24 continue to believe that we have to take the culture
25 away in order for them to be like everybody else so

1 they can take advantage of those same opportunities.
2 You know, that just isn't true. It's not going to
3 happen in the Creek Nation.

4 So I know, in our best interest of our young
5 people, you know, we're pushing real hard to, you
6 know, create relationships with school, you know, to
7 say, look, all we're asking for is to give our kids a
8 chance. Don't use your test to, you know, turn them
9 away. That's what they've always done.

10 You know, what if somebody hadn't give me a
11 chance when I went? I went to school at the Haskell
12 Indian Nations -- the Haskell Indian Junior College
13 in 1970. That was my opportunity when Haskell became
14 a junior college and the ACT didn't mean much. I
15 could have taken the ACT a hundred times, and I still
16 wouldn't have met any kind of standard for college
17 entrance. But somehow I got through. And, you know,
18 here I am today.

19 And I think the kind of education that's
20 currently being provided, regardless of how we assess
21 it, you know, whether it's Bureau -- we've heard how
22 much the Bureau has been beat up about Indian
23 education.

24 But, yet, at the same time, I think -- my
25 daughter is a teacher at Pioneer Indian School. So

1 do I think she's doing a heck of a job? Sure I do.
2 Do I think her students are college bound? Sure I
3 do. They just need an opportunity.

4 I think somewhere in the balance of the
5 bureaucracy, the Federal bureaucracy and Tribes, you
6 know, we just, I think, we need to take a stand to
7 provide opportunities for our students to be college
8 bound. Otherwise, we can talk all we want, you know,
9 about readiness, you know. I don't know what that
10 means.

11 The only reason I got into Haskell is
12 because -- when I was recruited to go there, I said
13 no. The only reason I went was because my mom and
14 dad found out. We were at home, and they said we
15 want you to quit your job and go to Haskell. That's
16 why I went, not because I had a brilliant mind, only
17 because I respected my parents, and that's what I
18 did.

19 So I'm just saying that Haskell was a
20 wonderful opportunity for me. I wish it still was
21 for a lot of kids.

22 But we still have those barriers that
23 sometimes don't reflect an understanding of where our
24 kids come from.

25 I know I'm kind of on my high horse here.

1 But as you can see, I'm passionate about what I do
2 and the experience I've developed over the years
3 working with the Indian country, with American
4 Indians.

5 MR. MORGAN: Thank you for your comment.

6 Neil Morton, Cherokee Nation.

7 I'd like to follow up with the gentlemen
8 from the Muskogee Creek Nation.

9 You know, a few years ago when, in Oklahoma,
10 the State Legislature who has proven they know
11 nothing about education, decreed that certain
12 students would go to certain institutions based upon
13 ACT tests, in other words, no matter their aspiration
14 was for, college education, ACT level, you're going
15 to go to one of the community colleges; forget about
16 going to a four-year school.

17 A State Senator stood up on the floor of the
18 Senate and made a statement for which he was really
19 ridiculed in the press and everywhere else. He said
20 every student in the State of Oklahoma deserves the
21 right to fail.

22 And that's my philosophy. In other words,
23 if the student has the drive, the cultural awareness,
24 the goal, that takes care of the ACT or whatever ABC
25 test, whatever.

1 So I applaud what you said.

2 MR. COLBERT: Bo Colbert, Muskogee Creek
3 Nation.

4 I've had 15 or 20 years of experience in
5 higher education with college readiness from high
6 school and so forth. I think the key word here is
7 (unintelligible). The research shows that Indian
8 students graduate better and more when they're in
9 Cohorts if it's a Cohort approach.

10 So if you take the formula, typically,
11 called the Ten (unintelligible) formula, when you do
12 the ACT and all these standardized test scores and
13 other criteria, social, economical, etc., it does not
14 work. There is no significance when you apply it to
15 a sampling of Indian students.

16 So it may predict persistence a little bit,
17 maybe in the first or second year. But not degree
18 completion or anything like that.

19 So that applies, and you can use it to other
20 groups, but not Indian students. They have a whole
21 different life way and experience system that higher
22 education structure doesn't account for. We've
23 deviated from that with Tribal colleges. We deviate
24 from that with pathways. So that's really the key
25 for college readiness and bench programs, as much as

1 you can do them, either from the ninth or the tenth
2 grade high school to a community college or even a
3 four-year school.

4 Those are really successful now, because
5 they really prepare students for what they can expect
6 at colleges and so forth.

7 So looking at standardized test scores and
8 trying to figure that out. I think we're wasting our
9 time with Indian students on that.

10 So that's the approach that we want to start
11 taking with the Creek Nation.

12 The State of Washington did a good study.
13 They have a good plan. They link their tribal
14 schools, BIE funded, Tribal funded and so forth,
15 their alternative schools they have, Tribal colleges,
16 community colleges, four-year colleges, universities,
17 they link them all, and did a study. And they have a
18 pathway plan that makes it work. And I've looked at
19 -- I was in Arizona for a long time. So I looked at
20 the dynamics in that State there. That's a good plan
21 there.

22 It also would work for Oklahoma, but we
23 don't have a strong enough coalition among college
24 educators that we can do these pathways. But I think
25 it's something that, as a State, as an Indian

1 educator, that we need to start looking at.

2 MR. HAMLEY: Thank you. Thank you for those
3 ideas.

4 MR. BOUGH: If you have specifics as to how
5 to address that, particularly, with the flexibility
6 proposal, we would love to have that information on
7 the website if you've got documentation or things
8 that we should consider.

9 You know, I'm very open to what you guys are
10 saying, because I think it's very reflective of our
11 population.

12 When I got out of high school, I was really
13 prepared to go to college. But I wasn't prepared to
14 work for college. And I didn't do well in college.

15 And then I went out and did work, and I was
16 much more prepared for college after I was working at
17 a very bad job.

18 So I think we have to really address where
19 we want to go with our students in terms of what we
20 consider to be preparedness for high school -- or for
21 college. An that plays itself out in terms of are
22 they motivated enough to go and are they motivated
23 enough to learn when they get there. As those are
24 probably more key indicators as to whether they'll be
25 completing college than what it is that they're doing

1 in high school.

2 So I'm very sensitive to your comments on
3 this area. But I'd like to hear more.

4 MR. JOHNSON: Wayne Johnson. One more quick
5 comment in support of what Dr. Colbert said. One of
6 the things that we're -- it's wrap-around services.
7 And we feel that, based somewhere in those wrap-
8 around services, that we are attempting to provide to
9 our young people our areas that, when they go out and
10 try to exist in other cultures, don't provide.

11 For example, I said I went to Haskell. Yes,
12 I went to Haskell. But do you know what? I felt
13 like there was a lot of wrap around kinds of services
14 that I was provided that lent its support to me that,
15 while I was away from home, away from my culture in
16 some respects, those areas were supported and
17 provided in other areas.

18 And I think that's key with American Indian
19 students, especially, when we're talking about trying
20 to provide some achievement opportunities for them,
21 that they feel these wrap-around services. And
22 there's a cultural entity to that. So I think that's
23 important to mention.

24 MR. PICKERING: Dwight Pickering, State
25 Department.

1 Our Indian children have a different
2 learning style. And trying to explain that to some
3 educators that are non-Natives, it's difficult
4 sometimes.

5 But, you know, as we take time with our
6 children and teaching them, sometimes it takes just a
7 little bit longer because we learn in a different
8 style. And Indian educators, as you all are and
9 myself, and we've been in the classroom and working
10 with Indian children, we know how to make that
11 connection and get that good response and prepare
12 them.

13 We can prepare them for college. It takes
14 just a little bit longer, a little bit different.
15 I'm not saying that you need to extend past the 12th
16 grade high school, but it's just a different learning
17 style that our kids have.

18 Being in the State Department, that is one
19 thing we're looking at through my division is trying
20 to educate about the learning style of the Native
21 American children and to get the right response so
22 they'll be successful.

23 We're pretty successful right now here in
24 the State of Oklahoma in reading and math. But I
25 think we can do a lot better. With our new

1 superintendent, she has a real desire to help Native
2 American students in the State of Oklahoma. And
3 she's very supportive of the research that we're
4 doing on trying to meet those needs of our kids in
5 everyday public school.

6 But I have an interest in the Bureau system.
7 I've been in the Bureau before and been in Indian
8 schools. That was my first teaching experience at
9 Haskell University.

10 I'm a product of boarding school, Sequoyah
11 High School. And so I have a real interest in that.
12 If I can be of help in any way I can at the State
13 level in the State of Oklahoma, I'd be glad to do
14 that.

15 MR. BOUGH: Mr. Roman Nose, do you have
16 anything you might like to add?

17 MR. ROMAN NOSE: Is this the commentary?

18 MR. BOUGH: This is the commentary.

19 MR. ROMAN NOSE: Sure. Quinton Roman Nose.
20 I'm representing the Riverside Indian School Board.

21 And we didn't have anything prepared. We
22 may have it in the future, a statement, but I'll give
23 some oral comments here.

24 As a BIE-operated and funded school, I think
25 the flexibility waiver idea certainly is much needed.

1 Certainly, for those BIE-operated schools, we need
2 something in this manner.

3 It makes it more streamlined overall, I
4 think.

5 In our particular case, I'm just hoping, you
6 know, several things, you know, will be included or
7 pushed for or added. But one of them is the
8 database, the student information system. This is
9 probably a Bureau-wide problem, not just a local
10 problem. But it's the sharing of information between
11 BIE, State and Tribes.

12 I think a lot of times, you know, we lose
13 students going back and forth from BIE schools to
14 public schools to, you know, Tribal schools,
15 reservation schools, off-reservation schools.
16 Unfortunately, the data system isn't there, so we
17 don't actually know.

18 As former Watonga Public School Indian Ed.
19 Coordinator, who looked at Native American students,
20 we'd always have students who would have other
21 jurisdiction saying they are going to BIE school.
22 And they would probably go. But, for whatever
23 reason, when they'd come back, they wouldn't come
24 back to school. So you can see this issue exists
25 nationally, not just within, you know, our area.

1 So I'm hoping that, you know, the waiver
2 will be able to work with other systems, other ESEAs
3 and also work with Tribes so that, you know, they can
4 share this information a lot faster and a lot sooner.

5 One component of the plan that is much
6 needed, and, personally, I like and I know you've
7 been pushing for this at Riverside, is the 15 percent
8 component of the curriculum, which will be devoted to
9 Native American curriculum. I know, certainly, at a
10 local level, it's going to vary from school to
11 school.

12 In our particular case, I think we have over
13 80 Tribes represented. So even though it's going to
14 be difficult to do that, it is much needed.

15 You know, if you have a school that's all
16 Indian, and you don't push for pro-Indian topics,
17 like history, language, Government culture, who else
18 is going to do it? We, certainly, don't get it on a
19 regular basis through the public school.

20 So that 15-percent requirement is very much
21 needed and very much welcome. I'm just hoping we'll
22 be able to put it in place and it needs to be
23 localized, and also working with Tribes to get their
24 input and coordinate it with them.

25 I know at Riverside Indian School, they have

1 coordinated with a couple of Tribes to provide
2 language courses through distance learning. And they
3 were a four-credit class. They were on a class
4 schedule, been there for several years. And I think,
5 as Tribes develop their capacity to deliver those
6 classes, I think that will be great.

7 I'm hoping that all Bureau schools in that
8 regard will encourage their local Tribes to develop
9 web-based courses. If not, real time distance
10 learning, maybe web-based courses that will be added
11 for credit at a local school.

12 For instance, (unintelligible) came by the
13 Chickasaw Nation. She was to develop a high school
14 course for the Chickasaw history, make it available
15 on the web. And we had someone attending a school,
16 say, for Windgate in New Mexico, who was Chickasaw,
17 and they wanted to take that high school course, that
18 they'd be allowed, and they'd be allowed to count
19 that as accredited in their particular school system.

20 So I'm hoping this will open the door for
21 more opportunities. Plus, I know it's very much
22 needed for the Bureau to be open to, you know,
23 opportunities offered by the Department of
24 Education. From what I understand, the past few
25 years, the Bureau has not always been having the same

1 opportunities as the other SEAs would. So I'm hoping
2 the process will allow the Bureau to take command on
3 that.

4 On the concern side, I really have a concern
5 that I think it's a great idea. I think that it's
6 needed. But I'm concerned about, you know,
7 leadership. You know, the Bureau has lost their last
8 Director. The reorganization is going to take place.
9 So we don't know what's going to happen with that.

10 So, you know, you're asking for more
11 responsibility, but your capability might be
12 diminished. So I'm just wondering what the future
13 may hold.

14 But it is still much needed. I'm sure I'll
15 have other comments later. But that's it. Thank
16 you.

17 MR. HAMLEY: Thank you.

18 Just to recap, I mean, to summarize, we gave
19 a presentation this morning. And that lasted, I
20 guess, about 20 minutes, half hour. And since then,
21 we've just been into clarifications and comments.

22 We've had some new people join us. If you
23 have issues you want clarified or comments or
24 suggestions, you can make them here. We have a Court
25 Reporter.

1 And, also, we have that website where the
2 materials are available, bie.edu. And you can submit
3 any materials you want to help us or comments that
4 you made here, or whatever, anything you want, to
5 esea.consultation@bie.edu.

6 So, Mr. Roman Nose, some of the comments you
7 made about online learning are addressed,
8 specifically, in the waiver request. So as you read
9 it, you'll see those.

10 Are there other comments?

11 MR. ROMAN NOSE: How about a question?

12 MR. HAMLEY: Sure. Or a question.

13 MR. ROMAN NOSE: You may have already dealt
14 with this earlier, so I apologize for not being here.

15 But what is the time line? I mean, after
16 the four sessions are held, what happens next? Will
17 it be approved? Will it be announced? When will it
18 take effect, the Bureau-funded schools?

19 MR. HAMLEY: Well, the Department of
20 Education has set up time frames for submission. And
21 the next one is September, early September. We
22 forget the date. It's September 9th, we think, is
23 the deadline.

24 So after the four consultations are done and
25 we have the comments, we will, systematically, go

1 through those, and incorporate those into the final
2 draft prior to, which would be, like, the last week
3 of August, the first week of September. And then we
4 will submit to the Department of Ed at that point.

5 Then we will wait for approval. We're
6 hoping no more than four weeks. And then we plan to,
7 if approved, to implement it this year. If not
8 approved, we're not thinking about that -- just
9 kidding.

10 No, if not, we do have some work to do,
11 because the Department of Ed. is saying that they
12 want us to use the old, the existing AYP
13 accountability system, even though all the States
14 have abandoned that going forward.

15 And we don't really see that as feasible.
16 Isn't that your understanding, Brian?

17 (Mr. Bough nods)

18 We've told them we don't see that as
19 feasible to implement an archaic system on going
20 forward for Bureau schools, one that all the States
21 have abandoned.

22 And so we'll continue discussions with them.
23 But we're hoping that this gets approved. So that's
24 the time line.

25 And it has been commented earlier, well,

1 that's quite an ambitious -- in effect, that's quite
2 an ambitious time line. But, really, that's the time
3 line, when you're going through a period of radical
4 change here, that's been proposed in all the States,
5 you know. So we're all having to deal with making
6 some radical changes here.

7 And everything doesn't line up and fit
8 perfect when you're done. For example, all the
9 States are facing that they're going to be
10 implementing the Common Core Standards. But, yet,
11 they're left with old assessments that don't match
12 the standards. And they're going to be stuck in that
13 limbo for two years until the new standards are
14 available.

15 That's just one of the realities when you go
16 through change like this, that you just have to, you
17 know, deal with those situations.

18 If our assessment gets adopted, I think that
19 it will be a step above the States. We'll be in a
20 better position than the States.

21 So not everything works perfect, when you go
22 through a radical change like this, but we're going
23 to make it work.

24 Question?

25 MS. JOHN: Yes. I'm Lisa John, Chickasaw

1 Nation.

2 Sorry I'm a little late. But I wanted to
3 ask you, on your priority turnaround schools, it says
4 to exhibit this, they must meet their AMO for three
5 consecutive years. So if they continue and don't
6 meet that, what happens to them if it continues to
7 be, if they continue in that five percent and there's
8 no improvement for those years?

9 MR. BOUGH: Yes. They remain in that
10 status. And additional -- they'll be asked to start
11 doing additional particular work for satisfying the
12 requirements of that school through the status.

13 So, for example, under the AYP system or the
14 No Child Left Behind system, schools identified for
15 corrective actions or restructurings, there are a
16 number of actions that are available to them.

17 After a certain point, some of the ones that
18 they've already been using come off the table. They
19 can no longer utilize that. They have to switch to a
20 different method of implementation.

21 So a school remaining in a priority status
22 over an extended period of time has a range of
23 options available to them just in same manner. Over
24 time, they'll be asked to satisfy more activities in
25 terms of improving their school structurally to

1 address the student achievement gaps that they have
2 in order to, hopefully, bring about the kind of
3 change in the school level that needs to take place
4 in order for students to achieve at a higher level.

5 MR. HAMLEY: Let me talk about that, too, a
6 little bit.

7 In the actual 129-page request, it talks a
8 little bit about -- we list the supports. Actually,
9 we do it in kind of like a chart format. We're going
10 to change that into more detail.

11 But if a school is not exiting a status, it
12 means that, you know, the connection between the --
13 the map between supports and the needs of the school
14 is not good. And so there is going to have to be
15 closer collaboration to provide stronger supports.
16 The whole point and priority is to move it out of
17 that status and move it up.

18 So, you know, the supports are going to have
19 to be strengthened. They're going to have to be
20 individualized. There's going to have to be
21 cooperation between the school and the Bureau to get
22 in the ADD and EAO Office to get the school moving.

23 So I call particular attention to the
24 supports that we've listed, and ask you: Are those
25 adequate supports? Is this what you would like to

1 see? So take a look at those, please.

2 MS. JOHN: Okay.

3 And then I see, you know -- we give a lot of
4 attention to students, and I understand the reason
5 for us to place emphasis on the students with the IP,
6 because I know that's a group that sometimes, you
7 know, you don't meet the Common Core assessment
8 because of that group.

9 But, also, we have on the flip side, gifted
10 and talented. And you're talking about college and
11 readiness.

12 So what are you going to be doing for the
13 gifted and talented students that you're recognizing?
14 Are you going to be revamping that and making sure
15 that they get -- because we don't want to forget that
16 group, either, especially, those high performing
17 students. Have you addressed those?

18 MR. HAMLEY: Well, a new focus under this
19 reform initiative is differentiated instruction, to
20 identify your students, what their particular needs
21 are, whether they're on the IP or the gifted level
22 and to differentiate your instruction to those
23 students. And I think that one thing that the Bureau
24 has been slow to respond to is a STEM initiative, you
25 know, in advanced placement and things like that.

1 But some of the schools, we have to give
2 credit there, have been good at that. They have
3 well-trained teachers and principals that recognize
4 there are needs in that area. So they've been moving
5 forward.

6 But the Bureau, overall, has not. So I
7 think the Bureau has something to learn from what the
8 schools have been doing, to develop, you know, a
9 uniform approach to address, you know, gifted
10 students. And, especially, we need to strengthen our
11 STEM initiative. I think we're leaving our students
12 -- we're shortchanging our students in terms of
13 entering some of the careers of the future by not
14 having the mathematic skills from the very earliest
15 grade, in kindergarten. You know, if you don't have
16 the skills, say, the 6th, 7th, 8th grade in
17 mathematics, you're not going to be an engineer. So
18 we need to begin very early. And then to strengthen
19 that in the high school area.

20 So we have a lot of work to do in that
21 area. I think the flexibility request acknowledges
22 that, and we're going to have to move forward on
23 that.

24 MS. JOHN: Well, from working in education,
25 if third grade is the first year that they start

1 really taking the standardized test and recording
2 those, so, really, your math is kindergarten, first
3 and second. And if you don't have it by third grade,
4 then all of a sudden, your scores are then recorded
5 in your assessment.

6 So you need to put a lot of emphasis on
7 those years.

8 But, on the record, I'd like to say that you
9 do work toward that recognition and developing of
10 programs across the Bureau for the STEM gifted and
11 talented, because those are the ones that probably
12 need that transition type of program so that, when
13 they do go to college or some type of vocational
14 school, that we don't lose them as dropouts at that
15 point.

16 So there needs to be work there, because, I
17 mean, that's where you do it in high school,
18 sophomore, junior and senior. And gifted and
19 talented programs are a good way to introduce them
20 into those areas so that we keep them, because we
21 want to keep them encouraged and given the
22 opportunities that they may not get anywhere else.

23 So I wanted to make sure that that is an
24 area that is recorded for our comments.

25 MS. BROWN: This is Roxanne Brown, ADD-East.

1 Just in response to that, Lisa, too, I
2 think, as an organization, the BIE, we haven't done a
3 good job in identifying strategies and programs to
4 institute and look at across the Bureau.

5 But, regionally, even, I think this is an
6 opportunity for us, and we've had some preliminary
7 discussions with our education line officers on
8 internships, mentorships, service learning, and
9 working with our kids to be able to have greater
10 opportunities, college level course work at the high
11 school level.

12 But, again, and as you suggest, this doesn't
13 begin in high school. It begins with us knowing and
14 looking at the growth model as we will be, from
15 kindergarten forward, and making those interim
16 adjustments along the way so that by third grade,
17 we're not shocked that our kids are so far behind.

18 But we also need to start these mentorships
19 and service oriented projects, for instance, in
20 middle school so that when our kids get in high
21 school, they have some wherewithal, some
22 understanding. So that prompts us to have to work
23 with our Tribal Colleges, our universities. We
24 haven't done a good job with that. And, still, I
25 find that we're still bringing that from the back of

1 our minds forward. We're having to struggle with
2 keeping that on the front burner as an education
3 entity.

4 But it's something that great opportunity
5 would be a benefit of the Common Core standards and
6 unitary assessment, even the streamlining, such as it
7 might look in the future, for us to kind of move
8 forward in kind of a wide squat in working with our
9 secondaries as well.

10 So I appreciate the comment.

11 MR. BOUGH: I think that Roxanne brings up a
12 good point. We will deliver the assessments starting
13 in kindergarten. It's just for accountability
14 purposes that it start in third grade.

15 This is for a couple of reasons. One, is
16 that you have the pure educational aspect. You want
17 to know what these kids are achieving and how to keep
18 them on grade level if they're not or to recognize
19 that, hey, this kid is an overachiever. Let's do
20 some special things to keep this kid engaged and to
21 make sure their needs are being satisfied.

22 But when you start talking, and this is
23 where the other portion of this is, about teacher
24 evaluation systems based on student assessment
25 scores, they say, well, maybe this third grader

1 didn't come into third grade prepared like he should
2 be. So this is a way to capture whether a student is
3 performing at the second grade level.

4 You've hit upon one area, the gifted and
5 talented, where the Bureau is a little bit lacking.
6 And, as Dr. Hamley mentioned, the schools are
7 certainly beating the Bureau. This is an area where
8 I think the Bureau needs to address this more
9 systematically. We just don't have that amount of
10 regulation in place with regards to our 125 CFR
11 dictates.

12 So if you know anything about our limited
13 English proficiency program and what's required by 25
14 CFR, you'll see that we're required to assess
15 students using, you know, the assessment, to find out
16 if they are in need. But there's no subsequent
17 provision to actually have an AP program in place.
18 This is a major oversight.

19 Same thing with gifted and talented. We
20 should be doing things to address the needs of these
21 students. But there's not any regulatory mandate for
22 that to take place. And so all of our better schools
23 have these programs in place and recognize the needs
24 for addressing -- for recognizing the need to address
25 these particular students.

1 But it's not something that's in place
2 systematically for the entire Bureau.

3 MS. JOHN: And, see, just because it's not
4 mandated doesn't mean you shouldn't do it because
5 it's not for the good of the students. So I think
6 that, if you could maybe use someone as a best
7 practice model in one of those schools and just put
8 it out there as an example -- I know that some
9 schools may not be at that point. But you work into
10 a certain level.

11 So, I mean, I appreciate your comments.

12 I have another suggestion on mentoring for
13 you, because, really, mentoring doesn't always come
14 from the adults. And I know what you want to do is
15 use students as mentors.

16 So, for instance, in reading, you're working
17 on the first and second graders on word, the sight
18 words. So what happens with those kids, just to let
19 them know that reading is important, you can take
20 those kids in the third grade and fourth grade and
21 use them as reading mentors. And that's what we've
22 done in the Tribe, because a lot of times we try to
23 have adults read. And that's great, because we like
24 to use the adults. But they think it's awesome when
25 someone that is just a little older, a big kid reads

1 to them. And so start using and incorporating your
2 students in the schools as the mentors, because they
3 then learn that, as a an expectation of them, to be a
4 leader and to be a mentor.

5 So, you know, those are just some of the
6 things that I think that you might write down and
7 take as a consideration is using students as the
8 mentors at even a younger age. You know, addressing
9 them younger, teaching them those habits. Teaching
10 them those habits is really where we want to start
11 with them, rather than waiting until they're a
12 teenager and sometimes they're not always open in
13 teenage years to be as active with the younger
14 students as they are whenever they're in grade
15 school.

16 MR. HAMLEY: Thank you for your comments.

17 Usually, at 10:00, we take a break. Shall
18 we take a 20-minute break to 10:20? I realize some
19 of you may want to stay on. Some of you may have
20 made your comments? But we'll be back at 10:20.

21 Thank you.

22 (Off the record)

23 MR. BOUGH: Why don't we just skip right to
24 the comments. We've had some excellent comments that
25 were coming in.

1 AUDIENCE MEMBER: I want to see the
2 PowerPoint.

3 MR. BOUGH: There's no real PowerPoint.
4 But we do appreciate the comments we're
5 getting. And we're actually hearing some stuff that
6 we haven't heard at other stops before in the
7 original public hearing. I know Mr. Roman Nose
8 showed up in Nashville to speak with us. And he also
9 showed up in Denver, really to support us and get us
10 going there. And we appreciate the support that
11 you're showing for this initiative. We greatly care
12 that you care as much about Indian education in our
13 system as you do.

14 So it's obvious that, among Indian educators
15 here, you know, we thank you very much for your
16 support and for the work that you do on behalf of our
17 students. So it's great.

18 The more comments we can have in, the better
19 off this application is going to be. It's going to
20 show that we are being responsive to our Tribal
21 communities. And that's our goal. It's not just
22 something we want to check off on a box. We want to
23 make sure that this is an accountability system that
24 everyone can buy into.

25 And I know that Roxanne is here. She may

1 have a few more things she'd like to elaborate on, as
2 well, before we get started.

3 But we're just mainly looking for additional
4 comments. If something that you've heard has spurred
5 you to act a little bit more, you know, and say, hey,
6 I've got something, you know, that was on my mind
7 that I think you should consider to put in the
8 proposal, we definitely want to hear it. So
9 definitely get it out there. Put it out there for us
10 to consider. And make us think about it and make us
11 write to that whenever we submit our request to the
12 Department of Education.

13 MS. BROWN: Actually, I welcome your
14 comments, as well.

15 And, you know, the other part of this is we
16 don't have enough opportunities to consult and
17 discuss and just sit down and talk about the issues
18 facing our Indian students and Indian education
19 today. So for me, it's been a delight to listen in
20 here and learn and garner additional supports and
21 ideas as to how we might move forward differently.
22 So I welcome your input and questions, and would like
23 to hear from you.

24 MS. FATHEREE: I have a question. Catherine
25 Fatheree, OAE0.

1 What were some of the things that the Tribes
2 at the other places mentioned about using this 15
3 percent? What were they looking at utilizing?

4 MR. BOUGH: In particular, we heard comments
5 from the Navajo Nation when we were out in
6 Flagstaff. They wanted to start incorporating
7 language, culture and government standards into the
8 accountability determination. And, for them, they
9 really like this flexibility proposal, because it
10 allows them to unify their 60-some schools that are
11 currently in three different States. So they can't
12 compare student achievement across those three
13 states, because they all three take different tests,
14 and they all have three different accountability
15 systems, and they have three different sets of State
16 standards.

17 Choctaw Nation, when we spoke in Nashville,
18 we spoke to the fact that they had started developing
19 their own language assessments, as well. And,
20 although they were inclined to remain with
21 Mississippi standards, they wanted to see our
22 proposal aligned in such a way, they said, you know,
23 all options are on the table. If we can come up with
24 something better, they'll move to that.

25 And I think they were just comfortable under

1 the standards which they were already performing.
2 And they didn't see much need to change unless we had
3 a good reason for the change or if they saw a great
4 benefit to doing so.

5 So those are the two areas where I've heard
6 Tribes address how they wanted to have that 15
7 percent changed to meet what it is that's going on.

8 To be very specific, one of the things that
9 we put on the table with regards to the 15 percent is
10 the Bureau of Indian Education receives something
11 called sixty-one eleven money that stems from the
12 Elementary and Secondary Education Act.

13 At the state level, this money is reserved
14 for the development of standards and assessments and
15 training around those standards and assessments.
16 Because we have the States that we've been relying
17 upon for the standards and assessments, we've,
18 typically, used that money to help develop core
19 assessment languages. And this has been over the
20 last two or three years. We've seen it work,
21 particularly, with Navajo with our Oceti Sakowin
22 education consortium up in South Dakota.

23 Oceti Sakowin. You may have a better chance
24 of pronunciation.

25 COURT REPORTER: Spelling?

1 MR. BOUGH: O-C-E-T-I S-A-K-O-W-I-N.

2 And they've developed a language assessment.
3 They're starting to develop the standards for
4 language assessment, as well.

5 And, recently, we've had our
6 (unintelligible) school up on -- I'm trying to think.
7 At Ojibwe?

8 MS. BROWN: Uh-huh.

9 MR. BOUGH: And our Nucasupi (phonetic)
10 friends down with the Seminole Nation. They have all
11 started developing these oral language assessments.
12 So we've put money into the development of the
13 standards upon which oral language assessments are
14 being based. We want to make that same money
15 available to Tribes for the specific purpose of
16 developing the 15 percent Common Core standards, to
17 meet what they find to be most relevant to the
18 schools.

19 So this is, I think, very important. This
20 is the (unintelligible) for the flexible system
21 because it's something upon which the accountability
22 determination will be made.

23 So right now, when we're looking at the
24 State standards and the State assessments, the Tribal
25 standards are excluded from the entire realm of

1 possibility, except in the concept of alternative
2 definition of AYP.

3 And if you know, specifically, what is
4 called for in our alternative definition of AYP, it's
5 for the development of an alternate definition of AYP
6 that would meet with the same peer review criteria as
7 any State accountability workbook with the U.S.
8 Department of Education. And that's an impossibly
9 high standard.

10 And we've had Navajo, we've had Osac working
11 towards the development of these alternative
12 definitions of AYP now over years. And it's simply
13 too difficult for them to take down, because it's a
14 difficult task for States to take down.

15 By incorporating the 15 percent into the
16 accountability system at the very beginning, we don't
17 have to worry about having some sort of archaic
18 alternate AYP universe in which the Tribes are
19 struggle to develop a definition to get it in place.
20 We have a place already in the system to capture
21 their standards and assessment for accountability
22 purposes.

23 So that's, I think, the most responsive way
24 in which our -- that's the most responsible way we
25 can develop our accountability system to meet the

1 needs of the Tribes.

2 And I think that's our primary selling point
3 is that we are responsive to them and we incorporate
4 their ideas as we go along.

5 MR. ROMAN NOSE: I have a question and
6 comment.

7 Quinton Roman Nose.

8 In the process that States are going through
9 for this waiver, some States need to have done a
10 better job in contacting their Tribes that are
11 located in those States. And the waiver application,
12 there was wording to the effect that the SEA was to
13 contact Tribes in their particular State to go over
14 this plan with those Tribes. And I'm glad you're
15 doing this, because this gives them an opportunity to
16 do that.

17 But my question is, you know, I think
18 there's 23 States that have Bureau schools. And
19 you're only having four sessions. So is there a plan
20 to notify those Tribes in those States that are being
21 served under this? Because I know that is a big
22 issue.

23 MR. BOUGH: Yes. Our tribal leader letter
24 went out to, I believe, all the Tribes in which we
25 have tribal members in our school. And this was

1 dated June 12, 2012.

2 The preliminary -- one of the preliminary or
3 two preliminary hearings of this were originally
4 slated to be consultations, because the paperwork
5 wasn't in place. We wanted to make sure we did
6 everything by the book. So that's why we're having a
7 subsequent set of consultations.

8 So the original ones, we didn't call
9 consultations so much as public hearings. And we've
10 taken the feedback that we received at those very
11 seriously. So we have four of those. And we took
12 back that feedback. Those took place in Sacramento
13 and Flagstaff and Nashville and in Denver.

14 This is the first one of the next four,
15 which is Oklahoma City. Next Friday, we'll be in
16 Flagstaff; Tuesday we'll be in Seattle. And then
17 next Friday, we'll be in Bismark.

18 So we are trying to hit as many regional
19 locations as we can. And the Tribal leader letter
20 has notified all the relevant tribal leaders as to
21 the date, time and location of these consultations.
22 But we're not strictly limited to do that. As you
23 saw, we have our proposal posted on the Internet, and
24 we are taking comments through the website there at
25 easa.consultation@bie.edu, all the way through, I

1 believe, August 6th. So we want as much feedback as
2 we can get.

3 One other area that you touched upon there
4 is the States were supposed to consult with their
5 Indian Tribes that are located there. And many
6 Tribes complained that they were not consulted. So,
7 you know, this is our primary constituency. We don't
8 have anyone else that we -- I shouldn't say "care
9 about," but we take this as seriously as our Indian
10 Tribes. And so they have a very high level of
11 authority, and we give them a high level of respect
12 for what their opinions are with regards to the
13 implementation -- the proposed implementation of the
14 policy.

15 MS. JOHN: The end-of-year instruction exams
16 for Oklahoma, I'm not sure if other States have that
17 same type of requirement. I mean, I know you're 23
18 states, so I don't know if the other States have the
19 end-of-year instruction.

20 So one of the concerns in Oklahoma is that
21 when students, if they don't pass those exams to get
22 their high school diploma, if they don't come back to
23 re-enroll in the school in the fall, for instance, if
24 they didn't pass it this previous May, then for all
25 purposes, they are considered a dropout.

1 What is the BIE doing to address that,
2 because right now, it's a big issue for us. And this
3 is the first year that it's actually really looking
4 to have some impact from the schools. So I was just
5 wondering, you know.

6 MS. Brown: Well, I think we haven't done
7 enough, and the discussion really hasn't developed to
8 where we have action right now.

9 But some of the things we're looking at is
10 we have a pilot dropout prevention program. We're
11 working closely with Clemson University on that and
12 identifying schools to participate.

13 We're also embarking on a journey, if you
14 will, with Jobs for American's Graduates. And it
15 follows, somewhat, the process of internships,
16 service learning, exposure to career, STEM, if you
17 will, to provide that link between the importance of
18 education and schooling toward post-secondary, what
19 you're going to do and look forward to and plan for
20 after graduation.

21 And we're at the infancy stages again across
22 our Bureau. We've got schools and Tribes that are
23 probably far further ahead than we are as the
24 Bureau.

25 But those are some of the things we're

1 talking about now. But, again, for us, as an
2 educational organization, we're just now really
3 focusing on that.

4 And, again, with the advent of this college
5 and career readiness, it seems to have kind of opened
6 our minds and awareness, addressing this, not in
7 isolation and as a separate attachment, if you will,
8 to our charge as educators. But to do this in an
9 integrated format so that this is the way we approach
10 educating our kids, and it becomes a part of our
11 philosophy.

12 So, helpfully, that answers it to some
13 degree.

14 MR. BOUGH: From a practical perspective,
15 when schools report their dropout data, that's a
16 student whose whereabouts are unknown after they no
17 longer are enrolled for education at that school, or
18 they know the student is unenrolling from the system
19 with no intention of completing that school.

20 There's three areas under 29 CFR, and, you
21 know, it's not hiding behind regulations. I'm just
22 saying that the regulations are woefully inadequate.

23 The first is going towards accreditation.
24 Those schools that are State accredited should be
25 administered in their high school exit exams if

1 they're required. But that doesn't mean that they
2 necessarily do. Not all of our schools are going to
3 be State accredited. Some of them are regionally
4 accredited. And that may not be a requirement at the
5 regionally accrediting agency.

6 The second area is with regards to -- by the
7 way, the secondary actually, there's no requirement
8 in 25 CFR that schools should be accredited or
9 actually follow through by being accredited. It only
10 says they should be, which is yet another major
11 oversight.

12 And then the last area has to do with the
13 graduation requirements. The States set their own
14 graduation requirements, but 25 CFR also specifies
15 graduation requirements. They're actually pretty
16 low.

17 The directive is that the schools should try
18 to set higher graduate requirements, but that doesn't
19 necessarily mean that they do.

20 Two years ago, I convened a meeting of our
21 seven high schools in New Mexico to discuss this
22 particular topic. We found out that some of the
23 schools assess the New Mexico exiting exam, but some
24 did not. Some had extremely high standards with
25 regards to the requirements that the kids should have

1 in order to be graduated from their school, and some
2 of them had fairly low standards. They were in
3 compliance with 25 CFR, but maybe not in compliance
4 with what the State of New Mexico was requiring.

5 So we need to look at ways to address 25 CFR
6 to include the regulation quality in order to make
7 sure all the schools that we oversee are addressing
8 these issues appropriately.

9 MS. JOHN: I agree, because you don't want a
10 standard that's very low, so that our students are
11 lower performing than those that come out of other
12 schools.

13 And I have a question. So if they're not
14 recognized or certified with the State, and they
15 graduate, what does their high school diploma say?
16 Is it just a BIE diploma? I'm not familiar.

17 MR. BOUGH: It varies.

18 MS. JOHN: Well, those that are with the
19 State, I guess it's a State recognized diploma. But
20 for those that are not, what is the --

21 MR. BOUGH: It varies across the system.
22 So, you know, a diploma graduated out of a BAUR,
23 (unintelligible) control schools, the education
24 department, or whatever it happens to be. It varies
25 widely. And this is one of the things that we have

1 to get our hands around.

2 But at the same time, you know, I talk about
3 improving the regulations to make sure these
4 requirements are in place. I can sense that there
5 might be a place where Tribes would push back and
6 say, no, we are the people that should be determining
7 what's going on at the school. We are the ones that
8 are running the school. We should be the ones to
9 decide what it takes to graduate from our school and
10 what that diploma means.

11 So I think there are substantial arguments
12 to be made on both sides. But, really, what I think
13 is the worst situation is one that you mentioned:
14 What happens when you don't have regulations in
15 effect, and you don't have that concern within the
16 Tribal community that's overseeing the school that
17 has high standards for graduation.

18 That's kind of the worst case scenario,
19 because then nobody is really watching out for the
20 welfare of the students that are graduating.

21 MS. JOHN: That's where we can expect to be
22 at (inaudible), BIE school to be the responsible
23 party. So, you know, that needs to be addressed. I
24 mean, I think it really does, especially, because a
25 lot of times, what will happen in a lot of Federal

1 regulations, there may be a standard and a lot of
2 Tribes that are -- as resources or even that care
3 about the people that they're serving actually go
4 above what that minimum requirement is. And that's
5 normally what happens. But, you know, for those who
6 may not be able to remain, it might not be an
7 important issue for them. That's where the BIE does
8 need to work on, pushing up that standard, along with
9 Tribes, so that it does -- what happens, once they
10 leave that BIE school, they come back to the Tribe.
11 Okay? Because they may not be able to get a job. So
12 they may come back to us for social services, for
13 housing, for medical.

14 If they do graduate from a BIE school that
15 doesn't have a certain standard, when they may try to
16 get into college, they may not have the scores. So
17 they have to come back to us.

18 So from a tribal perspective, we want to
19 make sure that our students that are in school, that
20 it is getting to a level where they can go and be a
21 functional adult in society. We help them so that
22 they're not leaving there and then coming back, and
23 see that their skills are very lacking on what they
24 should have obtained while they were in school.

25 So I'm just talking from a tribal

1 perspective from seeing students, whether its from a
2 BIE or from a public school, you know.

3 We are always looking forward to how can we
4 catch them at a younger age, rather than waiting for
5 them in an old age to try to catch them up.

6 MR. BOUGH: Sooner is always better.

7 One thing I was going to say is that I want
8 to welcome Jones Academy, along with the academic
9 units, too. It's great to see a new school come up,
10 and get started, and serve our students. And I'm
11 sure you'll do a great job. So we're looking forward
12 to working with you in this area. You don't get much
13 contact with us. I know you guys (unintelligible)
14 associated with you. But this is an exciting time
15 for you, I'm sure. So welcome on board.

16 MR. JONES: Thank you. Yes. We've worked
17 on this for several years, along with the BIE, and we
18 were finally able to get that taken care of. So
19 we'll be starting our own school this coming fall.
20 So I appreciate those comments.

21 MR. BOUGH: Do we have further comments?

22 MR. SPEARS: One more comment. Brad
23 Spears.

24 On the lower level, I think we might have
25 touched on it earlier. But the newer tests, if all

1 this goes through with the BIE, are they going to be
2 able to test the first and second grades? I know at
3 Jones, we don't have kindergarten, but we have first
4 and second. Starting first grade, will they test the
5 first grade, second grade? And I know that won't go
6 towards the -- not the AYP, whatever they call it
7 now. It will be our third through sixth that will
8 count.

9 But do they have the capabilities to test
10 them in the first grade, second grade, so that will
11 be put in the NASIS, and we will see that progress?

12 MR. BOUGH: Yes, sir, that is correct.

13 And we also have a test that's available for
14 kindergarten. And then for our pre-schools, they'll
15 have something called a pre-K screener, which
16 students will be putting in information in the system
17 for.

18 So we intend to test every grade that is
19 served, but only for accountability, will we be
20 looking through grades -- that we'll be looking at
21 grades 3 through 10.

22 MR. JONES: And, also, on those test dates,
23 I know we talked about doing one in December, again,
24 if this go through. So we're looking at possibly
25 testing in October, December and April? Is that kind

1 of what your all's time line is?

2 MR. BOUGH: We would prefer that the
3 original test be given as soon as possible, in
4 September at the latest.

5 MR. JONES: Okay.

6 MR. BOUGH: Ideally, we're talking about
7 something that's taken the first couple of weeks of
8 school.

9 The real selling point for the assessment
10 that we're giving is that in its first two
11 incarnations is what's called a formative assessment.
12 It tells you the level of academic achievement your
13 student has at that point in time. And it's not
14 necessarily relative to the standards. It's going to
15 be a little bit different than standard based
16 assessments. It is an informative assessment.

17 The end-of-the-year assessment will be a
18 standards based assessment mixed with an informative
19 assessment. And that's possible because it's a
20 computer adapted test. So when a student answers a
21 question correctly, they'll be challenged with a
22 slightly harder question. If they answer the
23 question incorrectly, they will get a slightly easier
24 question. That's the pure computer adaptive model on
25 the first two assessments.

1 The last assessment at the end of the year
2 is what's called the blended model, which has a
3 scripted series of questions that ask very specific
4 questions about the standards themselves that can
5 tell you exactly what the student is achieving on the
6 standards.

7 And then after, you know, after they ask
8 this series of scripted questions, halfway through,
9 it will start asking adapted questions based on the
10 student's initial responses. So they can find out
11 what the actual level of achievement is for that
12 particular student.

13 The thing about having it this way is that
14 those first two assessments, in their informative
15 incarnation, are designed to provide feedback to the
16 school as to where that student is achieving and what
17 needs to be done to bring that student to standards
18 by the end of year.

19 So it's really to inform and to drive the
20 instruction at the school that we ask that it be
21 given at the beginning of the year and somewhere
22 approximating the very middle of the year.

23 And so if you need to go in January, if
24 you're assessing in October, you may look at a
25 January assessment administration date, as opposed to

1 a December one.

2 My earlier suggestion of having it in
3 December is that you can get the test results back
4 and work with the teachers before the school comes
5 back into session. And then have an instructional
6 plan ready to go to help bring those kids up and give
7 them the maximum opportunity to achieve a proficient
8 or an advanced score on the test at the end of the
9 year.

10 So this is our instructional model. It's
11 more of a service-oriented approach. And, you know,
12 from strictly an accountable standpoint, instead of
13 looking at one test per year, we're giving you the
14 capacity to look at three tests per year and figure
15 out exactly how these students are achieving.

16 MR. SPEARS: After this year, I can see us
17 giving the test, possibly, maybe even as early as
18 late August. Our students come on our first day of
19 class is August 9th. But I know this first year, I
20 think we might be pushing it to even get it done, if
21 you all don't know until September if it's going to
22 go into effect or not.

23 MR. BOUGH: I'll say something really quick.
24 I know Roxanne wants to jump in here.

25 We intend to have that task order awarded by

1 the end of this week. So we're going to move forward
2 with the assessment piece regardless of what happens
3 with the waiver request. It still gives you
4 affirmative assessment and tells you where your
5 students are achieving.

6 And, essentially, what the waiver request is
7 going to be doing is allowing us to get out of the
8 AYP system and move away from the State tests.

9 So you can still use the assessment we're
10 talking about to help improve instruction relative to
11 the standards in the State, even though we're all
12 moving to the Common core in advance of that.

13 So the selection of assessment from our end
14 isn't necessarily based on the success of the waiver
15 request.

16 MS. BROWN: And I just wanted to add that
17 the earlier you can administer this test, the more
18 time you'll have to form the strategies and
19 interventions that you need early on and plan, kind
20 of, a backward map how you're going to accomplish
21 reaching whatever targets you set.

22 So the sooner we know from the BIE, the
23 sooner our schools can get on with it. The earlier,
24 the better.

25 MS. JOHNS: I want to add something to the

1 schools.

2 In your strategy, whenever you're developing
3 it, what we've learned from some of our local
4 schools, because, you know, you're having to prepare
5 the students, you practice with the students, then
6 you administer the test. I would just say that you
7 make sure that you consider in there that what we've
8 learned is that, at a younger age, the students are
9 developing test anxiety. So just to make sure that
10 that part is developed in there, because we saw it in
11 third grade for students.

12 So the public schools have now had to
13 address test anxiety at the younger level, because
14 they know -- everybody talks about how important it
15 is. And they hear it. And so it's really become now
16 a part of what local schools, that have had to
17 interject some things in there.

18 MR. SPARKS: Yes. And we do those sorts of
19 things. I know Sharon, with our Counseling
20 Department, she works closely with teachers. But
21 before our State test each year we build up to that.
22 We have (unintelligible). And then we have each
23 grade level go in and design T-shirts so every staff
24 member, every student wears the same T-shirt on that
25 particular test day. So everybody is a part of this

1 testing procedure. And that seems to help the kids
2 realize that everyone is supporting them and that
3 sort of thing. Because, of course, our kids live
4 with us on campus, so that just kind of helps bring
5 in kind of the, I guess, the teamwork that everyone
6 is trying to make sure we do well in the test.

7 MS. BROWN: I think further, too, with the
8 interim test that we've used in the Bureau most
9 recently, students have been able to goal set, and
10 it's really been a part of their learning process.
11 And be commanders, actually, of how hard they work
12 and pay attention to that.

13 So there's lot of opportunity here. And
14 when you have the incoming testing like that, it's
15 not like you're building the anxiety for the big
16 tournament. They've had some scrimmages along the
17 way. And it becomes part of teaching and learning,
18 rather than, again, an isolated incident that has no
19 relation to what they've done in class everyday.

20 So it really is a change in culture in our
21 schools, and it's proving to be quite impactful and
22 successful.

23 MR. BOUGH: I think Lisa spoke to something
24 that's very important to acknowledge, and this is
25 test taking anxiety. The choice of tests that we

1 have, this computer adaptive test, it takes about an
2 hour to complete. There's no time limit on it. So
3 students work at their own pace and with questions
4 that are at their skill level, based on the responses
5 they provide.

6 So this does two things. One, it provides
7 those students who are low achievers the chance to
8 answer test questions correctly, because it's going
9 to start asking them questions they can answer
10 correctly.

11 At the same time, the higher achieving
12 students aren't going to be asked a series of
13 tediously boring questions that disengage them from
14 the test.

15 So, essentially, we're reducing test
16 anxiety. We're also reducing testing fatigue,
17 because instead of a pencil and paper test for an
18 hour or couple of hours a day, or an entire school
19 day, you're talking about choosing a computer test
20 that's much more easier for them to use,
21 particularly, with the younger generations that are
22 coming up. They're much more familiar with and
23 comfortable with a computer. And you have more test
24 taking familiarity if you're administering the test
25 three or four times a year.

1 So when that end-of-the-year assessment
2 comes around, it's not something brand new to them.
3 They're familiar with using the computer, they're
4 familiar with the assessment and design and how to
5 move through it. And they'll be ready to go.

6 So you eliminate testing anxiety. You
7 eliminate testing fatigue. You get rid of two of the
8 major factors that are really involved in bringing
9 down test scores. And I think we're going to see a
10 rise in test scores, just based on those two things
11 alone. (Unintelligible)

12 There's talk about this all the time. How
13 do you craft a test that does what you need it to do
14 in terms of measuring student achievement, at the
15 same time you make sure that the test taker is
16 performing as well as possible.

17 MR. DEARMAN: It's Tony Dearman.

18 We're looking at changes to the test. Like
19 a lot of States test all tenth graders. But, right
20 now, currently, in the State of Oklahoma, we only
21 test the students that are enrolled, no matter what
22 grade they're in that are enrolled in that subject
23 area. How will this be? Will it be all 10th
24 graders? Will it be just the ones enrolled in
25 English 2 and then Algebra 1?

1 MR. BOUGH: Yes. We actually have this
2 question with our test vendor right now. The goal is
3 for the accountability purposes to offer general
4 assessments for math and for reading for 9th and 10th
5 grades. But look at either offering -- having a
6 choice, particularly, -- well, only in mathematics
7 for the 11th and 12th graders of an end-of-course
8 test, which is not going to (inaudible) on a scale,
9 because how are you going to grade Algebra 2 unless
10 it's part of the regular series or, you know,
11 something higher, like calculus. And it doesn't
12 really integrate all that well.

13 Or a general math assessment, which may be
14 offered to students who are not taking a math course,
15 or maybe in a math course, but ask questions about
16 that particular subject area.

17 So a student in calculus may be answering
18 questions on trigonometry, but it's not necessarily
19 germane to what's going on in the calculus class.

20 So there's some details to be ironed out.
21 The goal is a general assessment for math and for
22 reading for 9th and 10th grade. And then we're going
23 to have to figure out what to do.

24 And this is an area where your feedback will
25 be extremely helpful when you start assessing what to

1 do with the 11th and 12 graders.

2 MR. DEARMAN: Because, like I say,
3 currently, right now, English 2 usually falls to
4 sophomores. Some juniors will be in that. That
5 helps us if we know that's going to be all sophomore
6 that are to be tested in reading and all freshman in
7 Algebra 1, that helps us when we sit down and start
8 doing our schedules with our students. Because, you
9 know, when we do that first test, you know, it
10 depends on the growth model, but some of our students
11 aren't ready for those classes. So we do pre-tests
12 to see where they're at. So that's going to help us.

13 MR. BOUGH: The growth model is going to be
14 adjusted to the student's level of achievement. And
15 so this actually is a very good question where we get
16 to be technical again.

17 For students who are approximately at grade
18 level, they'll have an end-of-year growth target that
19 approximates proficiency. It leads them to
20 proficiency year.

21 For students that are significantly far
22 below grade level, essentially, what we do is we
23 project out three full academic years and then divide
24 that total difference between that and where they
25 currently are by three. So that it's -- you know,

1 they call it a hybrid success model. It gives them a
2 pathway to proficiency in three years, but it doesn't
3 require them to be proficient on the standards at the
4 end of one year.

5 So this could actually be a more aggressive
6 target if the student is particularly far below grade
7 level than having an end-of-the-year standards level.

8 But you have to remember that this target
9 doesn't result in proficiency under the standards
10 within one year; it's for proficiency under the
11 standards in three years.

12 MR. DEARMAN: What that's going to do, it'll
13 change the way we do things, the way we operate,
14 because, you know, right now, we're going into the
15 school year starting the end of August. And we do
16 all our pretests, because we've always done the OIs.

17 But if we know the target, whether it's all
18 freshmen that are going to be tested in math, then we
19 know, hey, all our freshmen need to be in this class.
20 So it's going to help -- you know, if we know our
21 target audience, then we can know who we need to
22 enroll in classes.

23 MR. HAMLEY: More questions or
24 clarifications?

25 MR. SPEARS: Brad Spears.

1 On the elementary -- and that's what I
2 mainly am concentrating on, because that's what we're
3 going to be -- what we'll be doing next year.

4 But on the elementary, as far as testing,
5 are we looking 3rd through 6th, they're going to be
6 tested in math and reading? Now, will 5th grade
7 still be tested in writing, social studies and
8 science, or is it just math and reading?

9 MR. BOUGH: It's just going to be math and
10 reading at this point.

11 MR. SPEARS: And are all the questions on
12 the computer, or is it multiple choice, or will there
13 be some essay?

14 MR. BOUGH: In the initial roll out of the
15 assessment, it's going to be just multiple choice, as
16 far as I understand.

17 Obviously, you know, in math, there may be
18 some calculation involved.

19 But one of the things we're working with the
20 assessment vendor is, if you're familiar with Common
21 Core standards, they really start measuring the depth
22 of knowledge. And so there's a more -- more emphasis
23 on the depth of knowledge in terms of can the student
24 demonstrate how they arrived at this particular
25 answer, both in reading and in math. Can they show

1 their work? Can they show the inferences that they
2 were making in order to resolve the question for the
3 reading section?

4 So they're going to have an evolving set of
5 complexities in the questions they're asking over
6 time. That's not going to be deployed in the initial
7 base-year model. This is going to be true for every
8 State that's out there. No State has a Common Core
9 assessment. It just doesn't exist yet.

10 So, actually, by implementing the assessment
11 that we're looking at, we're going to be measuring
12 the Common Core, but we're not going to measure it
13 robustly in the initial year.

14 And so, over time, we're going to be
15 developing specific items that do measure the
16 increased complexity of the questions and the
17 complexities of the Common Core itself, and give us
18 more information about what students are achieving.

19 So if we have to choose, we're going to
20 liken it to common core first, and develop the
21 complexities second. States are doing both at the
22 same time, which is why they're looking of for least
23 one year for transition, which is, virtually for all
24 States this coming year, for transitioning to the new
25 assessment.

1 But they're not going to be truly aligned
2 until next year. And speaking for the entire
3 country, the Common Core consortia testing won't be
4 out for at least two more years. So this is going to
5 be something that's more of a long-term project in
6 terms of assessment.

7 MR. HAMLEY: I have something to address.
8 You mentioned something, writing. So the Bureau also
9 has a literacy plan that's in development. I don't
10 know if we put that on our web page yet. But it will
11 be generally available.

12 And the literacy plan is from birth to -- I
13 don't know what they call it -- adulthood. And in
14 there, one of the issues that has come up is how is
15 writing assessed? So this is actually something not
16 so much in the context of the flexibility request.
17 But with the literacy plan that we're going to be
18 looking at, is how do we want to address writing
19 across the curriculum and assessment of writing, and
20 all that.

21 So just to point that out, that that is an
22 issue that we'll be working on.

23 MR. SPEARS: And another question. From the
24 time they take the test, how long will it be before
25 we get the results back?

1 MR. BOUGH: If you're taking the Internet
2 based version, which we're trying to move to, the
3 results will be almost instantaneous.

4 When we're talking about a server-based
5 version, we're talking about times, maybe one to two
6 weeks, which, if you're used to waiting for your test
7 results for a long time, it's a radically different
8 world at that point.

9 MR. HAMLEY: But the Internet version, what
10 was the year -- I mean, we're not going to be on that
11 for a while. Our test vendor is the doing that
12 nationwide. They're just Beta testing deploying. So
13 it's going to be -- I forget the year they told us.
14 Is it 13/14 --

15 MR. BOUGH: Yes.

16 MR. HAMLEY: -- I think they said, that
17 we'll be Internet based.

18 But right now, it's server based. But the
19 server based worked well. So it's just two weeks.
20 So that's not a long lag time.

21 MR. SPEARS: Is there any specifications on
22 the type of computers that you have?

23 MR. HAMLEY: Yes, there are. We can get all
24 that to you. But it's pretty basic.

25 MR. SPEARS: Okay.

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MR. HAMLEY: Other questions?

Okay. If no more questions, we want to thank you for being here.

Remember, you can submit additional comments, afterthoughts, any ideas you have at eseaconsultation@bie.edu.

Thank you for coming.

