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TRIBAL CONSULTATION
ON
PROPOSED CHANGES TO THE BUREAU OF INDIAN EDUCATION
FLANDREAU AND KYLE EDUCATION RESOURCE CENTERS
IN
SOUTH DAKOTA

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Taken at
BEST WESTERN RAMKOTA HOTEL
Rapid City, South Dakota
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A P P E A R A N C E S

DR. CHERIE POITRA - Associate Deputy Director
TONY DEARMAN - BIE Director
CARMELIA BECENTI - Chief Academic Officer
HANKIE ORTIZ - ADD-BUS, BIE
SHARON PINTO - DBD - School Operations
ROBERT COVERDALE - Superintendent Crow Creek
BRIAN WAGNER - Lower Brule TED
FRANKIE CHRETIEN - Compliance Spec. CPO
SUE YELLOW ELK - Crazy Horse School Board Member
TONIA DULL KNIFE - Crazy Horse School Board
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ALICIA MOUSSEAU - Oglala Sioux Tribe
SARAH WHITE - Founder/EP SPEEC
MITZI POPE - Deputy Project Manager BIE BHWP
TERESIA PAUL - BIE Student Health Program Spec.
MERRIE MILLER - CRST Education Chairwoman
DR. CHERIE FARLEE - CRST Education Director
DR. MARGO HEINERT - Crazy Horse School Superintendent
JODI STODDARD - Crazy Horse School Imp. Dir.
ROSEMARY CLAIRMONT - Assistant Director RST Ed. Dept.
CAROL VEIT - BIE Ed. Spec. SI TCS - Kyle ERC
BERDINA TSOSIC - BIE - EPA
ROBERT PARISIEN - Ed. Spec. School Board

P R O C E E D I N G S

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DR. CHERIE POITRA: Welcome. Good morning. My name is Cherie Poitra. I have the privilege of serving as the tribally controlled associate deputy director. And today we are here to discuss the tribal consultation.

On behalf of the Bureau of Indian Education, we want to thank you for joining us and sharing your perspectives, insights and recommendations regarding the proposed changes of the Flandreau and Kyle ERCs in South Dakota.

Today's discussion will address the adjustments to ERC staffing and office space locations.

This session is part of our commitment to meaningful government-to-government relationships, consultation with our tribal nation and communities.

We are here to listen, learn and to ensure your voices are heard today.

Before we begin, let me briefly outline today's agenda and explain how we will collect and record the comments for today's session.

Our agenda overview, we will do a welcome and an opening remark, explanation for the purpose and scope of today's meeting, present key information,

comment period and closing remarks.

So at this time I would like our senior leaders who are here joining us today to stand up and they will introduce themselves.

Let's start with Deputy Pinto.

(Introductions)

DR. CHERIE POITRA: To create a productive environment for dialogue, we ask that the participants follow these guidelines: Be respectful for all perspectives and avoid interrupting others. Keep comments focused on the topic at hand. Limit your comments to five minutes to allow everyone time to participate.

If you wish to provide additional comments, please submit them in writing by January 18th. And we do have that information available on the slides.

This session is being transcribed to ensure that we have accurate feedback.

We have the index cards on the table, so if you could please put your name and your association, and we'll provide that to our transcriber so she'll have all the accurate information.

But as we go and collect the comments, we will have the mic centered in the middle, so when you provide your comments, state your name and your

1 association.

2 We will now open the floor for Director
3 Dearman, and we will discuss the ERCs and go through
4 the Power Point. Yay, it's up. There you go.

5 Director Dearman?

6 MR. TONY DEARMAN: All right, as a former coach
7 and science teacher, it's going to be hard for me to
8 stand up here behind the podium.

9 We want to keep this very informal. We want
10 input. The one thing I would reiterate is make sure
11 that when you speak, say your name and where you're
12 from. That way we can get it transcribed.

13 One thing that we will do, as we always have
14 done, is we will make sure that we have a
15 post-consultation report where every comment that
16 was made, we've recorded and that if it's
17 implemented or how we applied it, then we will.

18 Next slide, please.

19 We're going to talk a little bit about the
20 history and the purpose of the consultation. But to
21 talk about the purpose, we have to cover the
22 history.

23 And today we're here to talk about proposed
24 changes to the Flandreau and Kyle education resource
25 centers. Right now what's happened with those is

1 we've had a hard time finding space. When the
2 reorganization went on, when it occurred at the
3 beginning, you would have thought that they would
4 have had space already located but there was no
5 space located.

6 The Flandreau ERC was scheduled to be or
7 supposed to be on Flandreau High School's campus but
8 there's no room.

9 So we're needing -- we need to know input of
10 where we should consider finding office space, and
11 then as well as staffing, because we had a large
12 meeting during the tribally controlled schools
13 summit. And we had a large meeting. It was
14 actually more people than is in this room. And
15 there was a lot of concern about staffing for the
16 ERCs.

17 Next slide, please.

18 A little bit about the history. In 2015 there
19 was a reorganization. There was a team put
20 together. There was a secretarial order 33-34 which
21 called for the restructuring of BIE. And what it
22 did is it established education resource centers.
23 This is where we lost the education line officers
24 and they became EPAs, education program
25 administrators. There was just a change throughout

1 the organization. But the big piece I feel like it
2 really helped BIE was the expansion of school
3 operations because we did not have the ability to
4 take care of ourself and now we do through the
5 secretarial order 33-34.

6 There was a blueprint recommendation to
7 streamline BIE's organization and to really look at
8 improving services to schools and tribes. You'll
9 see in a little bit there was a lot of consultation
10 that took place.

11 And with realigning the ERCs, the thought was
12 to recruit employees from those areas that know our
13 communities and know our schools.

14 I'm not going to read this word for word. If
15 you'd like a copy of this, please ask and we'll get
16 you a copy of this.

17 And when they did the reorganization, they
18 looked at the larger -- the number of schools and
19 where a lot of our schools were actually located.

20 Next slide.

21 The results of the tribal consultation, again
22 this is how we know how many comments were actually
23 recorded, there was six national tribal
24 consultations, 270 participants. When I read that,
25 I really thought: That's not very many, not when

1 we're talking about 183 schools. You know, 23
2 states, 64 reservations, I would have thought we'd
3 have had more participation. But this is the
4 shocker: 72.5, 72.5 percent were not even related
5 to the reorganization. One thing that told me and
6 our team is: Wow, if they had that many complaints
7 about something outside of what we're talking about,
8 we need to be in the field more. And since then I
9 can tell you that our team has been out in the field
10 and we are hearing people and meeting with people on
11 a regular basis.

12 Comments received: Cost of reorganization,
13 size of the bureaucracy, timelines of
14 reorganization. And then we also, we went through
15 litigation. And this is an area where we went
16 through litigation was the Great Plains. Our
17 tribes, some of the tribes here in the Great Plains
18 did not want the reorganization. So when you look
19 at the hiring and the establishment of the ERCs,
20 that really held things up. And that was why it was
21 some of the last staff, TCS was some of the last
22 staffing that we actually had happen or had hired
23 because of the litigation piece. We could not move
24 forward with implementing the reorganization until
25 the litigation was finished.

1 Location of the ERCs, you know, we've been
2 asked to justify proposals. Close related ERCs
3 expressed concerns, loss of services, because it was
4 change. And we feel like a lot of our tribal
5 leaders were not really wanting the change; they
6 just wanted expansion of the current system.

7 So we went through and answered a lot of
8 questions. We still to this day answer questions.
9 Just like at the tribally controlled school summit,
10 there were a lot of questions about the locations of
11 the ERCs. Some people said, "The ERCs, it doesn't
12 matter where they are. All we want is employees
13 that have access to helping us. So if we have an
14 ERC, no matter where it is, we still want employees
15 that can come to us within two hours."

16 Next slide.

17 In response to the concerns, we did do some
18 drafts. And, you know, this is the thing with this
19 is the fact that any time we deal with the
20 reorganization, we want to consult with the tribes
21 that it impacts. And that's why we are here because
22 what we're looking at is the ERCs in Kyle and
23 Flandreau which impacts our Great Plains. So that's
24 why we're here and wanting to have consultation and
25 feedback on what our next step is.

1 With this, you'll see some of the change, some
2 of the amendments that happened. In Oklahoma City
3 there used to be an ELO office and now it's called
4 the National Jobs and O'Malley Center.

5 And then one of the ERCs that we're looking at
6 at Pine Ridge actually serves Cheyenne Eagle Butte,
7 Flandreau and Pine Ridge.

8 When you look at this, they were looking at
9 large schools. Because all three of those schools
10 are residential. But they were looking at size of
11 schools, location of ERCs, because the ERCs were
12 intended to be a one-stop shop, meaning that the
13 school principal, all they had to do was call our
14 education program administrator and go back to
15 running the school and everything else happened and
16 everything should have been taken care of.

17 We know that it has been a process of getting
18 staff hired and making sure that we are consistent
19 communication. Plus, when you look at the turnover
20 within our systems, not just tribally controlled but
21 bureau operated, that communication piece has got to
22 be consistent.

23 Next slide.

24 Where are we today? And Dr. Poitra could
25 actually talk about this slide a lot better than I

1 can because she lives this, but you can look at the
2 positions that we have in the ERCs. And when you
3 look at this, it was really supposed to be, like I
4 said, a one-stop shop to where you go to the ERCs
5 and then they go to work and really work out your
6 solutions or find solutions to your problems that
7 you have at your sites.

8 What you don't see on here is our school
9 operations staff. One thing that we have learned is
10 this is we kept saying in the pandemic that if we
11 could hire staff from the communities and leave them
12 in the communities, we'd have a better chance of
13 hiring qualified staff that know our schools and
14 know our communities. Unfortunately we had to go
15 through a pandemic before we could actually get the
16 attention of the government or leaders to be able to
17 allow us to hire people within their communities.

18 Which a lot of these positions you see
19 currently, they may not be positioned in an office
20 space, because just like what we've heard, they have
21 access to the schools and they can provide TA,
22 technical support whenever they're needed. So we
23 have shifted a little bit to meet the needs, and
24 it's really helped us in building our capacity with
25 hiring staff within our communities and not

1 requiring them to move to D.C., to Albuquerque,
2 Nashville, places out of the communities, away from
3 the schools. So it's really helped us. But these
4 are some of the positions that you'll see within our
5 organization structure.

6 Next slide, please. I want to go back real
7 quick, because I did see Teresia frown.

8 The behavior health specialist assigned to each
9 school, you do not have a one-on-one behavior health
10 specialist.

11 So thank you, Teresia.

12 What that is is we do have behavior health
13 specialists that are covering schools assisting in
14 our -- so they are assigned to the schools. So it's
15 not a one on one.

16 But you'll see that through the reorganization,
17 through the positions listed, that if you're a
18 school leader or you're in one of our schools, when
19 you think about academics, this is what you think
20 about, these positions. But we understand that it
21 expands beyond the positions that are listed.

22 MS. ALICIA MOUSSEAU: Can we ask questions
23 throughout? Is that okay?

24 MR. TONY DEARMAN: Let us go real quick through
25 this, if you don't mind, because when we get to the

1 questions -- I'll promise you I'll fly through
2 these. So if you can hang on --

3 MS. ALICIA MOUSSEAU: I just was wondering time
4 frame.

5 MR. TONY DEARMAN: For?

6 MS. ALICIA MOUSSEAU: Litigation.

7 MR. TONY DEARMAN: I'd have to go back and look
8 at it. It lasted a couple of years.

9 DR. CHERIE POITRA: It ended in 2018. And it
10 started in 2016 -- was it '14? 2014.

11 MR. TONY DEARMAN: That's when the process
12 started. But we can get you all the details on
13 that.

14 Next slide.

15 So right now when you look at the education
16 resource centers, this is how they're divided up
17 with Flandreau and then the Kyle ERC.

18 The 93638 technical assistance contracts, I'm
19 really surprised that that hasn't taken hold more
20 than the number that's there. And, please, if you
21 have questions around that, what that is, let us
22 know and we'll have that conversation after this
23 consultation.

24 But those are the assignments of the schools.
25 And this is what we've been doing is we have had

1 requests. Because in the previous organizational
2 structure, we had bureau operated schools and
3 tribally controlled schools combined. And with this
4 breakout, they've really tried to break out bureau
5 operated schools and tribally controlled schools,
6 because you'll hear, and we've heard loud and clear
7 from a lot of our leaders, that TCS and BOS are not
8 the same. And we agree. We totally agree.

9 But that was the intent of the reorganizational
10 structure was to really provide targeted focused
11 technical assistance based on the type of school
12 that each school was.

13 The 638 contracts, that's where tribes, tribal
14 education departments actually do the contracts;
15 they provide the technical assistance, the
16 trainings. The things that our ERCs would actually
17 provide for the schools, they take on that
18 responsibility themselves.

19 Next slide.

20 And then we get to the questions. And please
21 remember, if you have questions about like
22 litigation or anything outside these three
23 questions, our team would be happy to sit and answer
24 any of the questions that you may have.

25 But the questions that we have for today: Do

1 the schools in the Flandreau and Kyle ERC align with
2 the best location for technical assistance? And if
3 we need to go back to that slide, we can.

4 The second question is what are some potential
5 alternative locations to consider. Because that is
6 one thing that we heard during our large meeting at
7 the tribally controlled school summit was multiple
8 locations that was available. And we'd really like
9 to hear more through consultation so it's an
10 official record of where you feel like we should
11 look at them.

12 And then, three, what potential alternatives
13 should we explore and evaluate. Detailed list of
14 options, including their benefits, drawbacks to help
15 make an informed decision. Number three is a long
16 question, but this is one of the things that we had
17 heard, when we put our ERCs in place: Where are we
18 going to hire these people from? Because the fear
19 was, "You're going to take our employees from our
20 schools, and right now we're already strapped for
21 employees. We're struggling to get employees."

22 So, you know, we want to make sure that
23 Question 3, that was an example of some things that
24 would apply to Question 3 is your thoughts.
25 Because, again, the purpose of the reorganization

1 was to recruit people from our communities that know
2 our schools, and at the same time we don't want to
3 hurt our schools. Because we know this, it
4 doesn't -- I mean, every school in the United States
5 right now is struggling to be staffed. So if
6 there's anything that we need to consider through
7 this process, please let us know. Please let us
8 know.

9 And with that, we'll open it up for questions
10 or comments. And the floor is yours. What I would
11 ask is that you can walk up here or I'll meet you in
12 the middle with the mic. But, again, just state
13 your name, your organization and your comment and/or
14 your question.

15 What are some things that we should consider?
16 And you're gonna know if you've been around me, I
17 don't like silence as a classroom teacher. I have
18 to have things moving or I'm going to keep talking.

19 DR. CHERIE POITRA: I know one of the things
20 that I heard from one of our school leaders is --
21 they were unable to be here today, but one of his
22 questions was -- they're in Oklahoma, their school,
23 and currently their school is in the Flandreau ERC.
24 So really trying to put a perspective on what their
25 thought process was back in the day and trying to

1 read through all the documents to try to get what
2 they were thinking when they made those decisions,
3 because some of them, like I said, that doesn't
4 really add up, especially when we have an ERC in
5 Oklahoma, you would think they would be aligned
6 there. So that would be some of the things to
7 consider is looking at your ERC, are we closer to
8 another location where we can get that direct
9 support.

10 MR. TONY DEARMAN: Can you go to the ERC slide
11 real quick? Thank you.

12 DR. CHERIE POITRA: So these are the current
13 schools within our ERC. And with our technical
14 assistance contract this is something that occurred
15 after litigation. So when we were in the
16 litigation, the Dakota schools were still getting
17 their financial support and getting support from the
18 ERC, so they were getting a combination.

19 So after the litigation ended and really going
20 through the paperwork and thinking, okay, well,
21 where is this funding coming from; what is the
22 purpose, and that was the purpose is that they
23 wanted to continue providing their own technical
24 assistance.

25 So after litigation ended, we said, "Okay, if

1 you want to continue this going into the TA
2 contracts, then that will pull you out of the ERC
3 support within either the Flandreau or Kyle ERC."

4 So what these schools have done is they get
5 financial assistance from BIE, and then they hire
6 their own education specialist, improvement
7 specialists. And then they work directly with EPAs.

8 So what our office does is just basically
9 provide oversight to ensure that they're following
10 the grand agreement assurances and doing all of
11 their reporting requirements. So this is an option.

12 And that was one thing that we heard this
13 summer is that, "We want somebody from within."
14 Well, if you want somebody from within as a tribally
15 controlled school, you do have this option. Your
16 tribe will just need to request that and put it into
17 a resolution, and then we can move forward and then
18 we'll draw up a budget and see what that would look
19 like.

20 MS. ALICIA MOUSSEAU: Good morning. My name is
21 Alicia Mousseau. I'm the vice president for the
22 Oglala Sioux Tribe. I'm okay with silence. I'm a
23 therapist. I did try to ask you questions, but you
24 asked me to wait.

25 So how long does it take BIE to hire? So we do

1 have comments I got from our tribal director Dayna
2 Brave Eagle. She's not able to be here today. But
3 I do have some questions before I give our comments
4 was: I was wondering about the litigation, how long
5 that took and when it ended and how long it takes
6 BIE to hire and also how many more consultations in
7 the time frame do you think that you will actually
8 get this going. Because we do have office space
9 available. And, like I said, I'll do our comments,
10 but I just want those questions clarified first,
11 please.

12 MR. TONY DEARMAN: We could definitely respond
13 on the litigation piece, the duration of it, when it
14 was settled. So we'll get that to you in writing.
15 Thank you for being a tribal leader and being here
16 because that's really important.

17 And then what was the second question?

18 MS. ALICIA MOUSSEAU: The hiring.

19 MR. TONY DEARMAN: Okay. Yeah, good question.
20 It really depends on how quickly the employees
21 responding to the questions going back and forth.
22 It could be months and it can be I've been told
23 anywhere from three to six weeks. Three to six
24 weeks would be very on the hopeful end. It is
25 something that we have a lot -- that's probably one

1 of -- that and background checks are some of the
2 biggest complaints that we receive.

3 We work with OPM to get hires, Office of
4 Personnel Management, to make sure everything is
5 ready to go with employees.

6 And one thing that we've been doing with our
7 background check, because we've been listening to
8 our stakeholders, and that's why our school board
9 members right now, the background checks on them is
10 on hold until further notice.

11 But when it comes to our other -- we've been
12 looking at and listening to our stakeholders, we're
13 adjusting what our requirements are. We want to
14 make sure that we are following the law of
15 background checks. And we have found out that our
16 human resource department might have added some
17 things that really didn't need to be added, but it
18 was to benefit to make sure that our students and
19 our schools were definitely protected but it's
20 almost like it was making it more difficult on
21 ourselves. So we're meeting with our HR department
22 to pull those back but not pull -- not to the point
23 it's going to put our students at danger, but
24 there's just some things -- I'll give you an
25 example. Financial requirements, you know, if I'm a

1 school leader and I have a cafeteria worker or a
2 maintenance guy that doesn't do anything with
3 finances, I mean, how is that going to impact?

4 So we're looking at things, listening to our
5 stakeholders of what we need to adjust. But, again,
6 we can give you an average, because it has changed.
7 There have been improvements with background checks
8 to get people on, but it's still not where we want
9 it to be.

10 Because what we're competing against, and
11 everyone knows this, is we're competing against the
12 public schools, the charter schools, the private
13 schools that are in our same location. And a lot of
14 times they'll say, "Man, I can go there and get two
15 or three checks before I could even clear a
16 background. It won't take me too long," and then
17 leave. So that is something that we will continue
18 to work with and work on.

19 One thing -- some of the things, and I know
20 it's kind of getting off target but it's a good
21 question, we have been creative and we've
22 established what we call line-of-sight supervision.
23 I don't like -- people refer to it as loss. It's
24 not a loss. But it's line-of-sight supervision to
25 where we can actually do a preliminary clearance,

1 bring them on and they have to stay in line of
2 sight.

3 Now, our school leaders have the option of
4 selecting that. And some of them do; some of them
5 don't. But it is a way that we can get staff on
6 faster while they're continuing to get their federal
7 clearance.

8 MS. ALICIA MOUSSEAU: Questions like time
9 frame, how many more consultations, and when do you
10 think this will actually get off the ground?

11 MR. TONY DEARMAN: On this piece? You know,
12 right now we were hoping that we would have a lot of
13 comments here because this is the largest gathering,
14 L&I of all the schools and the staff, so we were
15 hoping that we would get enough comments here
16 throughout the period.

17 So when that closes, if we feel like there's
18 still no comments or we don't have enough, then it
19 could trigger another -- additional consultations.
20 But I'm really wanting to receive enough comments by
21 January 18th where we can make a decision.

22 So like with you, if you have space and we can
23 find space to put our offices, then we would
24 definitely -- that would be a huge win.

25 MS. MERRIE MILLER: Good morning, Mr. Dearman

1 and staff. It's really good to see you all again.

2 My name is Merrie Miller. And I have served as
3 the District 4 Cheyenne River Sioux Tribe council
4 representative for 17 years. And I'm currently, and
5 I've been for the past ten years, the Cheyenne River
6 Sioux Tribe Education Committee chairwoman and --
7 for the Cheyenne River Sioux Tribe.

8 Before I begin, I would like to state that this
9 is not tribal consultation. Tribal consultation for
10 the Cheyenne River Sioux Tribe is with the full body
11 of the Cheyenne River Sioux Tribal Council, which is
12 the governing body of our tribe.

13 And I would also like to state that the
14 Cheyenne River Sioux Tribe wants our education
15 office back, our ELO office back. We oppose the
16 reorganization.

17 We were one of the litigators in the lawsuit.
18 And we want our ELO office back. But we realize
19 that's probably not going to happen, so I have a
20 request. My request is we elect Carol White, and we
21 want Robert White Eyes to service our two tribal
22 grant schools. And that's what I want. That's what
23 the tribe wants as a spokeswoman.

24 If you want to know what the Cheyenne River
25 Sioux Tribal Council wants for consultation, then

1 you need to meet with the Cheyenne River Sioux
2 Tribal Council.

3 That's all I have to say. Thank you so much.

4 MR. TONY DEARMAN: Thank you for that. And
5 that's one of the reasons we are taking the comments
6 is because this is an opportunity to shift one of
7 these ERCs to other locations that we feel -- that
8 we hear from our comments that we need to look at
9 and consider.

10 DR. CHERIE POITRA: And that is one of the --
11 specifically with your guys' school, because you
12 have, with the bureau operated and the tribally
13 controlled schools, so you have a school improvement
14 specialist for bureau operated and TCS, so that does
15 make it difficult because you have two different
16 providers providing technical assistance.

17 But what we also need to keep in mind is a
18 tribally controlled school and a bureau operated
19 school, your expectations are different. So that's
20 where the ERCs came in with splitting up with the
21 tribally controlled schools and the bureau operated
22 and tried to make it I guess a little bit more
23 easier for the tribes. But in those situations it
24 is difficult because it's one school system. Ours
25 is kind of similar.

1 MS. MERRIE MILLER: Thank you. The Cheyenne
2 River Sioux Tribe will be submitting a resolution to
3 the bureau, BIE, with our comments.

4 Thank you.

5 DR. CHERIE POITRA: That is something that we
6 are really looking for. Because, like I said, back
7 then we have all new staff and trying to figure out
8 their thought process back in 2014, '16. Now would
9 be the time -- if we want to make those changes, now
10 would be the time to do those changes and looking at
11 those proposals.

12 UNIDENTIFIED SPEAKER: Is there any way that
13 screen can be expanded? I can't read what's
14 under -- what are the little boxes between -- you
15 know, underneath Flandreau ERC and Kyle ERC.

16 DR. CHERIE POITRA: That's a list of the
17 schools within those ERCs. And that's also in our
18 directory that we sent out. But we did want to do
19 the visual to show the 638 TA contracts and what
20 schools those are.

21 MR. TONY DEARMAN: I can read those to you if
22 you'd like.

23 (Power Point read.)

24 DR. CHERIE POITRA: And then Tiospa Zina and
25 Enemy Swims and Lower Brule are the 638 contracts.

1 MR. TONY DEARMAN: So we appreciate the tribal
2 resolutions because that really helps us. That is
3 the input that we're looking for. We're looking for
4 comments today. But, you know, we're here. We want
5 to hear from our tribes. And, again, thank you,
6 tribal leaders, for being here today because it is
7 important.

8 So if there's some adjustments that we need --
9 and this is why we do this is, you know, when we
10 look -- we want to make sure that we're consulting
11 with the tribes that are impacted and making sure
12 that we hear. With this, we'll have to circle back
13 and make sure we get all the tribes.

14 DR. CHERIE POITRA: Yeah. And many of them did
15 say they were going to submit stuff in writing.

16 MS. ALICIA MOUSSEAU: Thank you.

17 So, once again, my name is Alicia Mousseau.
18 I'm the vice president for the Oglala Sioux Tribe.

19 Like Cheyenne River, we do have a consultation
20 ordinance. However, like I said, I talked to our
21 tribal director Dayna Brave Eagle who couldn't be
22 here today, and she informed me that we do want the
23 office space on the ground in Pine Ridge. We do
24 want in-person services. She said she sent you all
25 an e-mail with the places.

1 So the Medicine Group District also passed a
2 resolution saying they wanted to keep the Kyle ERC
3 in Kyle, so that is forthcoming, too. We'll send
4 that along with our comments.

5 But the office space locations are Lakota Fund,
6 the Chamber of Commerce, and our treasurer said
7 there's some space outside of Pine Ridge that we can
8 rent out to you all.

9 Yeah, and I think also if you're talking about
10 staffing, the hiring process needs to be figured
11 out. We do have Oglala Lakota College on our
12 reservation. We have an education department. We
13 have some more educators here, too.

14 Thank you for being here.

15 And so we do have that system where we can get
16 more educators in there. I think you guys need to
17 check out your HR process. I know it's a
18 bureaucracy, so I understand that, but also on your
19 side, what can you guys do to increase that and make
20 that quicker? Because I know the IHS process is
21 long, too, and we lose a lot of providers because of
22 that. So you might want to think about that as
23 well.

24 Thank you.

25 MR. TONY DEARMAN: Thank you.

1 Ms. Ortiz, do you want to say anything about
2 the Pine Ridge ERC?

3 MS. HANKIE ORTIZ: Hankie Ortiz, Associate
4 Deputy Director, Bureau of Operating Schools.

5 We have the Pine Ridge ERC for bureau operated
6 schools, and we were located at the log cabin that's
7 on campus or close to the campus there, the Pine
8 Ridge School, and that was -- you know, we were told
9 to move out because of safety reasons. There was a
10 lot of safety issues there. And it's my
11 understanding they're trying to redo that so that we
12 can move back into that building, and not just the
13 ERC but also I think other school operations staff
14 are planning to move in. There's some IT staff.
15 And so there might be space in there. I don't know
16 what that space looks like. So that's what I was
17 talking to Ms. Pinto about because she oversees
18 facilities and I know that they're working on that.

19 So -- and in our ERC we have an EPA and two
20 school improvement specialists and then a staff
21 assistant, so that's what the Pine Ridge ERC is
22 currently for direct services.

23 MR. TONY DEARMAN: So it has been worked on.
24 Just like all of our tribal leaders and our staff,
25 we want to make sure our employees are safe. And we

1 identified that that needed to be renovated awhile
2 back, and it's just taken us awhile pulling
3 facilities over to us.

4 Actually in 2023 is the first year that we have
5 had all facilities underneath our authority.

6 Ms. Pinto?

7 MS. SHARON PINTO: So I want to add just real
8 quickly. I'm Sharon Pinto, Deputy Bureau Director
9 for school operations.

10 The Pine Ridge location certainly is an option.
11 And we've existed, we've had an office there for
12 quite some time. And the office really hasn't been
13 removed at all. It's just location. And right now,
14 as Hankie indicated, the building, the log cabin --
15 and that's another area that the tribe needs to
16 weigh in on is whether to declare the log cabin as a
17 historical site. And if it does, if that's the
18 classification we want to apply, then it goes
19 through a separate path of upgrades and renovations
20 through the Historic Preservation Act. And so those
21 are some of the -- and that's also another separate
22 consultation.

23 Along side that, there are opportunities to
24 install and upgrade pre-existing modular. It's kind
25 of right across the street from where the log cabin

1 is situated. And that's another option that we're
2 looking at is removing the old modular that sits
3 there now and replace it with the new modular so we
4 can have staff occupy that office for use.

5 The other consideration is down the road at the
6 BIA agency office. And we know that building is --
7 you know, you all know where that is situated. And
8 talking with the BIA, they've informed us that
9 there's limited space. But I think we do need to
10 do, you know, a higher level of discussion with BIE
11 folks versus the agency staff and see how we can
12 take some office space at the far end of that
13 particular building. I think that would be more of
14 a quick fix in an interim period as we address the
15 log cabin concerns. And that will also address Mr.,
16 the grant management specialist. What is his name?
17 Robert White Eyes and his oversight in that area as
18 well. But Robert has been so instrumental in being
19 very mobile and flexible in addressing client needs
20 and stuff like that.

21 So thank you for that.

22 MR. TONY DEARMAN: The other thing I'd like to
23 have some comments on as well is, you know, going
24 back to number three, how important is it to make
25 sure -- you know, once we decide on a location of

1 the ERC, are we saying that every employee of the
2 ERC has to be located near that ERC, which limits
3 the hiring ability. Or do you all feel like: You
4 know what, that needs to be the headquarters of the
5 ERC. That's a meeting place that schools can meet,
6 tribes can meet, but we would ask and be okay if
7 employees were hired throughout the Great Plains.
8 Because, you know, again, we want to make sure that
9 we're hearing from you all what's going to be best
10 to service our schools and our communities.

11 MR. BRIAN WAGNER: Good morning. Brian Wagner.
12 I am Lower Brule Sioux Tribe's tribal education
13 director. And I'm also Crow Creek Sioux Tribe's
14 education consultant under the 638 contract.

15 One of the things that I know that we've heard
16 is that the tribes want somebody on site accessible,
17 able to come to the schools when they need help,
18 which was the nice thing about the line office
19 structure, they were within the community. If they
20 needed help, we were within driving distance. Right
21 now some of the people that are providing support, I
22 mean, I know all of them. They're nice people.
23 They're professional. But they're a flight away,
24 they're hours away so they can't be as accessible to
25 the schools and the school leadership when they need

1 them. A phone call is not always enough because
2 sometimes, as we all know, there's more to the big
3 picture than can be explained over the phone.

4 And then the fact that if they have knowledge
5 of the school system, which of course they're not
6 going to have if they're from the southwest or if
7 they're from another area of the country versus if
8 they're local people who at the very least live in
9 the area. So they will bring that knowledge. So
10 that's another reason that both tribes that I work
11 for have advocated they want local people. They
12 want the locations here. And so that's the position
13 that I've been asked to project or share with you
14 folks.

15 Thank you.

16 MR. TONY DEARMAN: And I do know that
17 Dr. Poitra and the team have actually advertised
18 positions that serve our Great Plains area locally
19 in the Great Plains, and we just haven't had the
20 number of applicants.

21 So one thing that we had posed to the meeting
22 with our large group at the tribally controlled
23 schools summit was can we have assistance in
24 advertising all of the positions. So if there's
25 areas that we need to be advertising, whether it be

1 in the tribal chambers, whether it be throughout
2 community buildings, wherever, is there a way that
3 we can work together to actually get the
4 advertisements and the positions to a more broader
5 audience. So that would be something that we would
6 definitely, we'd be interested in as well.

7 MS. MERRIE MILLER: The website you have, the
8 BIEJobs and the USAJobs.gov I think it is, it's
9 complicated. It is. I mean, you apply for a job
10 and then you wait. And you have to call, and you
11 have to call, and you have to wait. And there's
12 different reasons why you wait and you wait. And to
13 me it would be better if it went back to the old way
14 it was done. That seemed to reach people. It was
15 easier to do.

16 That's what I have to say. You asked for my
17 comment and that's my comment. I've been on the
18 council since 2006, and the other way was a lot
19 easier. And if you look at it, you got more
20 applicants that way.

21 This other way, there's just -- it's
22 complicated. That's all I can say. People come to
23 the committee and people come to council and that's
24 what they say is it's complicated for them to do, to
25 access.

1 Now, everybody who is tech savvy says, "Oh, but
2 it's really easy, quick and fast." But you don't
3 live in the Great Plains. You don't live right at
4 Cheyenne River. We very seldom have good Internet.
5 Do you know what I mean? Our computer systems suck.
6 And we put in fiber optics, but we still have
7 problems with that. So I say go back to the old
8 way.

9 Thank you.

10 MR. TONY DEARMAN: Thank you for that.

11 I know that some of our schools actually will
12 handle their own hiring in the schools.

13 We'll definitely look at that.

14 Now, I've been reassured -- because great point
15 on it being difficult or for some people to get
16 into. And we've been told that if we have
17 interested applicants, that either someone from the
18 EDD, ERCs, schools or HR will definitely sit down
19 with the individuals and assist in them filling out
20 the application. It's just coordination, because it
21 sounds a lot easier than what is done, but we'll
22 definitely take that back and see what we can do.

23 Thank you.

24 MS. ALICIA MOUSSEAU: Alicia Mousseau, Oglala
25 Sioux Tribe.

1 To your earlier comments about hiring not just
2 within the community, even at large and how to do
3 that process, I think I would volunteer Dana to work
4 with you on where to advertise that.

5 But also one thing when hiring outside of the
6 area, we have limited housing. So that's one thing
7 for you all to consider as well. Because we can
8 find an office space and we have identified office
9 spaces for the Kyle ERC, but housing will be an
10 issue. And if we do want them to work on site,
11 housing will be an issue. So I just wanted to bring
12 that up.

13 DR. CHERIE POITRA: And that was one of the
14 concerns that we looked at as well. So if we get an
15 office and we put an office in that location, if we
16 have -- it has been difficult to find an office
17 location. Since I've been in this office in 2018
18 we've been looking and trying to reach out and we
19 haven't found anything. So if we do hire somebody
20 from within, where are they going to live? They
21 can't live in their office, right?

22 So what we have done to provide the services,
23 like Carol, Carol, she is -- she lives in South
24 Dakota. So we moved her because she was serving
25 schools in Bismark, so we moved her to the Kyle ERC

1 because she's closer to our South Dakota schools.

2 So we are trying to find solutions that's going
3 to make it a little bit easier. But even if we have
4 Carol, she's in South Dakota, she's not going to
5 have equal access to all of the tribes within that
6 ERC because some tribes are still going to live, you
7 know, outside of that spectrum within 50 miles, so
8 it's still going to take her three, four hours to
9 get to that school location. So when she gets
10 there, she might have to be there for an hour or two
11 and then she will have to drive all the way back.

12 So it's not going to be equal to everyone
13 regardless of where this ERC is at. And it's
14 housing space.

15 So those are the things we need to consider,
16 too, as we're looking at these questions.

17 MS. ALICIA MOUSSEAU: I mean, I don't think
18 there's that many obstacles necessarily. I think we
19 need to get up and running because it is a service
20 our people need. And I think we'll figure it out
21 because we always do. But it is a service we need,
22 so I think -- you know, I'm just throwing out the
23 housing because it is a consideration. But I don't
24 think those are barriers that are going to stop.

25 I think the needs of our students are going to

1 continue. We need to get this up and going. Like I
2 said, we've identified office space that is in the
3 Kyle area for this. We will put that in our
4 comments.

5 But I do think -- and like we have Oglala
6 Lakota College where we have people getting turned
7 out of our education program there. So I think we
8 just need to figure out how to get it up and going
9 because it's been a very long time. So I wouldn't
10 consider all of the obstacles as slowing you down,
11 but I do think you guys need to work on your HR
12 process and hiring process internally there's some
13 things to work on, but we're definitely here to help
14 to get this going because our students need it and
15 our families need it.

16 Thank you.

17 MR. TONY DEARMAN: It's definitely
18 government-wide issues, the hiring. It's something
19 that I think every bureau, and you mentioned IHS,
20 that is definitely something we need to improve on.

21 So going back to the questions, you know, right
22 now do the schools in the Flandreau and Kyle ERC
23 align with the best location for technical
24 assistance? You know, we're always looking for
25 creative ideas. Like if there's a lack of policy in

1 certain locations, is there an opportunity to go
2 into an MOU with a tribally controlled school to
3 possibly have an office and staff. I mean, we're
4 open for options, any ideas.

5 We're not -- the one thing we do not want to do
6 is make sure that we're restricting our conversation
7 to specific locations and saying everyone that is
8 hired has the work, because we have a lot of
9 expertise, and like Dr. Poitra said, when you look
10 at our schools, it's going to be hard to have equal
11 access, equal distance every school in the Great
12 Plains. So I think we have to be creative.

13 So if there's questions about: Okay, these
14 schools don't's align with Flandreau, when you go
15 back and you have this conversation with other
16 stakeholders, school employees, tribal leaders,
17 anyone that's interested -- because when we do
18 consultation, we always want to make sure we include
19 tribal leaders. BIE is a little unique because
20 we're required to do consultation with everyone
21 involved in our children's education, so that's why
22 we opened it up to everyone.

23 So we'd like to know: Do the schools align?
24 And it is in the Power Point. If not, give us some
25 recommendations. Because I know that some of those

1 schools, likes Dr. Poitra had said at the beginning,
2 are complaining because they shifted from Oklahoma
3 City to Flandreau, South Dakota. They're saying,
4 "Why?" But it went through the consultation, and
5 you saw that only 72 and a half percent of the
6 comments we received had nothing to do with the
7 reorganization.

8 And then potential alternative locations to
9 consider, you know, we're hearing it. And it would
10 be great to hear actually written in your comments
11 of locations that we need to look at. If there's
12 MOAs, MOUs that we need to work out with tribes,
13 that would be great. I mean, we'll go to work with
14 that.

15 And then, three, potential alternatives, what
16 should we explore and evaluate. And then in detail,
17 an example of that would be knowing what we know
18 through our experience, do we have just an ERC
19 location and say: All right, that's the
20 headquarters of this ERC so when there's meetings
21 there's no question of where they're going to go to,
22 it's going to be at that ERC; however, we hire staff
23 throughout the area to where we can hopefully look
24 at our locations of our schools and have staff that
25 have access to our schools more easily than everyone

1 that would be if they were located in that building
2 and ERC.

3 MR. BRIAN WAGNER: Thank you.

4 Brian Wagner again for Crow Creek and Lower
5 Brule Sioux Tribes.

6 I feel the need to clarify, Director Dearman.
7 You keep referencing the number of comments about
8 locations and so on and so forth were not
9 significant. All nine of the Great Plains tribes
10 went in together for the injunction that tried to
11 hold up the restructuring. So I don't think it
12 matters how many comments were made. I think it's
13 very black and white and clear that all nine tribes
14 were against it and all nine tribes -- although I
15 don't quite understand how it all played out because
16 it seemed like it never truly got resolved, but the
17 restructuring ended up happening. And even though
18 some of the people who are now in a political
19 situation may not have been in that situation at
20 that time, I think it needs to be made very clear
21 that the Great Plains was against this from day one
22 and deserves the recognition that all nine tribes
23 demonstrated by uniting to fight it in the first
24 place. So respectfully I'd ask that you not
25 reference how many people made comments.

1 MR. TONY DEARMAN: Point taken. And thank you
2 for that, Mr. Wagner.

3 And that's one of the reasons that we are here
4 because we want to make sure that our tribes in the
5 Great Plains are heard, and we want to make sure
6 that your input is included so that we are doing
7 what's right to service our communities and our
8 schools moving forward.

9 MR. ROB COVERDALE: I'm Rob Coverdale, the
10 superintendent at Crow Creek schools.

11 I have a couple of questions and then maybe a
12 couple of comments.

13 So is the issue right now more of an office
14 space issue or a staffing issue for not getting an
15 office in either the Kyle or the Flandreau ERCs?
16 Because it just seems to me that finding office
17 space shouldn't be that difficult. And whether it's
18 Flandreau, South Dakota or -- and, I mean, I hear a
19 lot of folks from the Kyle ERC saying, "Hey, we've
20 got spots." So is it more of a challenge would you
21 say staffing, or is it more of a challenge with
22 space?

23 DR. CHERIE POITRA: So it's more of a challenge
24 with space. And going through the GSA is what I
25 experienced coming into this position, yes, we do

1 have office locations which we did find in Kyle, but
2 going through that process, if they don't meet a
3 certain standard within the government, then we
4 cannot get that office space. So that's some of the
5 issues that we also ran into. But looking at the
6 office space, the issue is the office space.

7 Services, that's not the issue because we
8 service all of our schools. And we have -- any time
9 that a tribe asks for support, we send somebody on
10 site. And as tribally controlled schools, our roles
11 and responsibility within our ERC is guidance and
12 technical assistance. We are not supposed to be in
13 the school full-time because that's the beauty of
14 being a tribally controlled school, you hire all
15 your own individuals. And we are there just to
16 provide technical assistance and support.

17 So even with these ERCs there -- for example,
18 I've been in the Minneapolis ERC office there, and I
19 haven't had one visitor.

20 Mr. Parisien has been --

21 How long have you been here, Bob?

22 MR. ROBERT PARISIEN: I've been at Standing
23 Rock for eight years.

24 DR. CHERIE POITRA: Eight years. And then
25 Bismark ERC, how many people have you got to come

1 visit?

2 MR. ROBERT PARISIEN: I had one guy that come
3 talk to me just to bullshit, you know.

4 (Laughter)

5 DR. CHERIE POITRA: And shared some good
6 whiskey, too.

7 So we really need to ask ourselves: Is the
8 issue the buildings or the services? And right now
9 when I started, it was hands off. I was told when I
10 first started, it was like, "Well, the tribes don't
11 want to talk to us. You know, you don't call. And,
12 you know, they just really don't want our support."
13 And I thought: Well, then what is our purpose? I
14 mean, our whole purpose to this reorg was to provide
15 technical assistance and support.

16 So we really did a -- we flipped the script
17 within our ERC. And we do have all the individuals
18 that were identified on that, on the one slide, but
19 we also have our school improvement specialists.
20 And any time that, like I said, a school leader
21 calls or if a tribal leader calls, we bring a whole
22 team on site. And it's not only my team, I'll
23 contact Sharon's team if it has something to do with
24 facilities, our safety.

25 So regardless of location, we do try to provide

1 the best technical and support that we can.

2 MR. ROB COVERDALE: And then I guess I just
3 have a couple of comments. I kind of agree I think
4 with Ms. Miller from Eagle Butte about the
5 advertising. I don't even know if it's possible. I
6 know for me -- I'm only in my second year at Crow
7 Creek Tribal schools, so the whole -- and I've been
8 in a public school forever before that, so this is
9 all very new to me, but I know in South Dakota for
10 me as an administrator, one of the places -- the
11 place I always looked for hiring teachers or for
12 hiring administrators was through the associated
13 school boards of South Dakota. And I don't know,
14 that might be something the BIE can look -- I don't
15 know if they can be a member of that. I mean,
16 because generally you have to, you know -- but -- or
17 if a school could advertise as kind of a, I don't
18 know, like in lieu of the BIE.

19 But I do think getting the word out, if you're
20 talking about educators in South Dakota, I think the
21 associated school boards would probably be a better
22 boom box or microphone maybe than what we currently
23 have. And I don't know if that's a possibility.
24 And I know the executive director. I can certainly
25 look into that if that would be something that would

1 be possible.

2 And then the only other comment, and I'm just
3 speaking as somebody who is just kind of watching
4 this so I am not speaking for the Crow Creek Tribe
5 or the Crow Creek School Board, but, you know, when
6 I look at that Flandreau ERC, I would love to have
7 somebody in Flandreau that would be a little closer,
8 but I also -- it's a little disjointed, you know,
9 with, you know, Flandreau and Crow Creek and then a
10 lot of schools in Oklahoma. I mean, would it make
11 sense for Crow Creek to be a part of the Kyle ERC?
12 I don't know. Maybe the Kyle ERC doesn't want Crow
13 Creek. But I don't know if that would make sense or
14 not either, but it's -- we certainly have, I would
15 contend we're probably far more similar to Cheyenne
16 Eagle Butte and, you know, the schools in Rosebud or
17 Oglala than we are with probably the schools out in
18 Oklahoma.

19 So just a couple of comments from me.

20 DR. CHERIE POITRA: And the thing is we would
21 want you guys in there. So that's the point of this
22 whole purpose. So the only thing that would change
23 would be the structure. You still get the same
24 support. It's just going to get that person in that
25 office closer to you.

1 So if you guys look at the geographical -- and
2 I think we do have that slide. Maybe we can bring
3 it up on our website, BIE website. If you go to the
4 BIE website, we have the map of the United States.
5 And then you can click on your tribally controlled
6 schools and it'll bring up all of the tribally
7 controlled schools within that location. So that
8 would be a place to start, who are we closer to,
9 what ERC are we closer to. Because that would be an
10 easier fix for us is just moving the ERCs within --
11 our schools within that ERC.

12 And the job posting, really trying to think
13 outside of the box. One of the things that we are
14 doing with NTCS, because we don't do any of the
15 hiring, that was the first thing I asked our HR
16 director, "Can we advertise for our schools?" Well,
17 we can't advertise for our schools, but we can do,
18 we have a link on here that we are updating our TCS
19 web page, and it's under BIE webpage. But our
20 schools who have job openings, we are going to list
21 you on our Web page. And then when somebody is
22 looking for a job, they can click into your link and
23 it's going to take them directly to your school
24 website. So that's an option that we are doing.

25 And also, you know, networking, we have a

1 newsletter that we put out each week. If you guys
2 have openings there, we could share that.

3 So these are all the schools located within
4 those locations. And we also have within the
5 Dakotas -- I'm from Turtle Mountain. So we have our
6 bureau operated; we have our tribally controlled and
7 we have our district, so really looking at our
8 schools within those locations. And if we have a
9 bureau operated ERC, you know, if we could put our
10 TCS ERC specialist within that ERC. You know, so
11 that's always an option, too, is just -- I know in
12 the Pine Ridge that was a discussion. Just, there
13 was no room at the time. And Robert White Eyes was
14 located in that location.

15 So this is would be a good starting point for
16 you guys to look at, you know, is can we possibly
17 move our school under another ERC to have closer
18 access to that school improvement specialist.

19 MR. TONY DEARMAN: So with that alignment, it
20 is on the Power Point. We can make sure that that
21 is provided so that you can actually see and read
22 the schools that are within each ERC.

23 DR. CHERIE POITRA: And we will put that on our
24 newsletter.

25 MR. TONY DEARMAN: Any other comments,

1 questions? We'll stay around if you have any
2 comments or questions that you think of.

3 And please make sure that you get a copy. If
4 you have someone back at home that you know would
5 love to make comments or have input on this, please
6 provide this to them so that they can. Because we
7 want to make sure that we make the most informed
8 decisions that we can that's going to best serve our
9 area here in the Great Plains.

10 DR. CHERIE POITRA: And if you know of somebody
11 who is interested in applying for USA jobs,
12 individuals who have contacted our office and we
13 have supported them in walking them through that
14 process, give them examples also of resumes that are
15 acceptable.

16 MR. TONY DEARMAN: So what we will do is this:
17 Closing comments -- or all comments are due
18 January 18th. We would get together and see what
19 kind of comments we've received. If we feel like we
20 do not have the comments that we need to make an
21 informed decision on what we're going to do to move
22 forward, then we will definitely discuss next steps.

23 DR. CHERIE POITRA: So as we approach the end
24 of this session, I want to thank you all for joining
25 us today. Your thoughts and comments and your

1 contributions, your insights are very critical to
2 BIE.

3 If you have any additional feedback, the
4 information is located on our website and it's also
5 located in the Power Points. And we did send out a
6 flyer to everyone as well.

7 So please take this information back to your
8 tribal communities. And their input, we can still
9 accept all of that. And submit that by
10 January 18th.

11 So we value your time and your input, and we
12 remain committed to engaging in a meaningful
13 dialogue with tribal nations and communities. That
14 was a long sentence.

15 Have a great day.

16 And I am definitely enjoying this weather in
17 South Dakota. I left home last week and we had 20
18 below without the wind chill. So I was walking
19 around without a jacket last night. So very
20 gorgeous.

21 MR. TONY DEARMAN: Well, thank you so much. I
22 appreciate everyone's time. And please make sure
23 that your comments, give them to us by January 18th.

24 Thank you so much.
25

1 STATE OF SOUTH DAKOTA)
2) ss.
3 COUNTY OF PENNINGTON)
4

5 I, CINDY K. PFINGSTON, hereby certify that
6 the foregoing pages numbered from 1 to 49, inclusive,
7 constitute a full, true and accurate record of the
8 proceedings had in the above matter, all done to the best
9 of my skill and ability.

10 DATED this 20th day of January, 2025.
11
12

13 s/s CINDY K. PFINGSTON
14 Registered Professional Reporter
15
16

17 My commission expires:
18 February 4, 2028
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