

TRIBAL CONSULTATION ON ADMINISTRATIVE ASSESSMENT,  
BIA & BIE STREAMLINING

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A P P E A R A N C E S

Roxanne Brown, Assistant Deputy Director East for the BIE Region

David Talayumptewa, Assistant Deputy Director for Administration for the Bureau of Indian Education

Monty Roessel, Assistant Deputy Director for the National Region

Brian Drapeaux, Chief of Staff at Bureau of Indian

Bryan Newland, Senior Policy Advisor to the Assistant Secretary for Indian Affairs; Counselor to the Assistant Secretary of Indian Affairs

Michael R. Smith, Deputy Bureau Director, Field Operations

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

2 MS. BROWN: Good afternoon. I guess this is  
3 your one-and-a-half minute warning. We're going to get  
4 started with the afternoon session with the Bureau of  
5 Education. And what we'd like to do, we should introduce  
6 ourselves, and we'll start to my right here.

7 MR. ROESSEL: I'm Monty Roessel, the ADD for  
8 National Region.

9 MS. BROWN: Roxanne Brown, ADD East for the  
10 Region.

11 MR. TALAYUMPTEWA: Good afternoon. My name  
12 David Talayumptewa. I'm the Assistant Deputy Director for  
13 Administration for the Bureau of Indian Education.

14 MS. BROWN: So we're going to begin with  
15 of Indian Education Streamlining, and David's going to  
16 the helm here, and we look forward to a hearty discussion  
17 some great feedback from you all out there. So, David.

18 MR. TALAYUMPTEWA: Okay. Streamlining for  
19 Bureau of Indian Education is not much different than what  
20 Bureau of Indian Affairs has to go through. In the FY13  
21 budget request, it's proposed \$3 million less than what we  
22 in education for education program management.

23 Now, the -- one of the things that I think  
24 need to make very clear here is that the funding that's  
25 reduced only impacts education program management and

1 funds the education line officers, Albuquerque  
2 and the offices in -- of the director in Washington D.C. ;  
3 that's where the \$3 million is coming from.

4           The funding for -- the direct funding, for  
5 example, for instruction is being reduced a minimum amount  
6 then the rest of the programs are actually intact for '13.  
7 the big issue here is the reduction of funds for the  
8 program management line item, so we'll be going through  
9 Our share of the reduction is \$3 million, as someone  
10 this morning. So we're having to take a look at what we  
11 to do with this streamlining, and we're going to go  
12 with the PowerPoint. So the streamlining again, is  
13 tribal input on ways that we can streamline mainly the  
14 from the line officers up through the director's office to  
15 meet the budgetary constraints that we're facing for FY13,  
16 yet, try to improve or maintain the quality of education  
17 provide to students being served within our school system.

18           We have approximately 41,000 students that  
19 serve in our system, including both Bureau-operated and  
20 tribally controlled schools. Again, the FY2013 budget  
21 justification -- and it's in the Greenbook -- states that  
22 there will be a \$3 million reduction in the Bureau of  
23 Education. If you've not seen the Greenbook, you can  
24 get on the website, DOI.gov, and look in -- under Indian  
25 Affairs and you can actually see the Greenbook of the

1 budget and the justification for the '13 budget. It's on  
2 website.

3                   We're looking for opportunities to improve  
4 efficiency through BIE staffing reductions, sharing of  
5 resources and potential consolidation of programs and  
6 in order to meet the needs within the reduced budget.  
7 now, we have 22 education line offices throughout the  
8 one being in Oklahoma City. We have three associate  
9 directors, one located on Navajo, which Monty heads up.  
10 have one in the East headed up by Roxanne Brown, and then  
11 have an ADD West which is headed by Bart Stevens who is  
12 this consultation.

13                   We're going to go through a slide that's  
14 to show you the number of schools, et cetera, that they're  
15 responsible for. Any potential consolidation which will  
16 affect services to the elementary, secondary, peripheral  
17 boarding and cooperative schools will require the full  
18 of the tribes. Now, the peripheral dormitories that are  
19 operated by both the BIE and tribes are dormitories that  
20 students that attend public schools. So we have both BIE  
21 operated schools, tribally controlled schools and then  
22 peripheral dormitories where we house students that attend  
23 schools in nearby public schools.

24                   And, again, BIE wants your input on how we  
25 should realign services with reduced funding.

1 BIE to meet budgetary constraints while maintaining  
2 responsiveness to the needs of the American Indian  
3 empower tribal education and student focused programs and  
4 empower students to learning leadership and service. I  
5 think there's any question that the BIE management is  
6 have to look different.

7           The current organizational structure, this  
8 the one that was approved back in 2006 when actually OIEP  
9 that time, Office of Indian Education Programs, went  
10 restructuring, which eventually turned out to be the  
11 Indian Education establishing three associate deputy  
12 directors, the administrative office and the associate  
13 director for DPA, Division of Performance and

14           And here, these are the states where we have  
15 located our BIE operated and BIE funded schools and  
16 dormitories. You'll notice we're located in 23 states  
17 stretching all the way from Maine to California, in the  
18 northwest Washington, down to the southeast in Florida,  
19 states in between. Again, we're serving approximately  
20 students on 64 reservations, 238 tribes, and we also fund  
21 operate 24 colleges; two BIE operated, that's Haskell and  
22 Mississippi, which is located in Albuquerque and Haskell  
23 located in Lawrence, Kansas.

24           And these are summaries of the number of  
25 and the types of schools that's operated by the associate

1 deputy directors and here in the east, which also covers  
2 Oklahoma, there are 9 education line offices, 64 total  
3 schools, 8 BIE operated schools and dormitories, 53  
4 controlled grant schools, and we -- in the east, you'll  
5 three schools that are operated under Public Law 93-638.  
6 have about four of them total, three of them in the east.

7           And Associate Deputy Director - Navajo, we  
8 6 education line offices, 66 total schools, 32 that are  
9 operated by the Bureau of Indian Education, 33 that are  
10 tribally controlled, and 1 that's still under a 93-638  
11 contract.

12           And then the Associate Deputy Director -  
13 we have 7 education line offices, 54 total schools, 19  
14 operated by the Bureau, 35 operated by tribes, and we have  
15 93-638 contract schools in the west. For a total, as I  
16 indicated, 22 education line officers, 183  
17 elementary/secondary/peripheral boarding, and then we do  
18 some COOP schools, and what they are are schools funded by  
19 Bureau, but that school, particular school, will have a  
20 cooperative agreement with the public school system.  
21 got a handful of those, particularly up in the north, the  
22 North Dakota area.

23           50- -- let's see, 121 tribally controlled  
24 schools and then 4 93-638 contracts. But as you can see,  
25 majority of our schools that we fund by the Bureau of

1 Education are tribally controlled and then we have 58  
2 remaining that we operate in the BIE.

3                   Okay. FY2013 budget justification, we -- \$3  
4 million cut. BIE will identify opportunities to improve  
5 efficiency through -- we're going to have to look at  
6 reductions, resource sharing and potential consolidation  
7 programs and offices. And any potential consolidation  
8 will affect services will require the full support and  
9 participation of the tribe.

10                   Here is some numbers in terms of where  
11 program management has been funded at. In FY10 we were  
12 at \$19,164,000, again, to operate or fund the education  
13 officers, Albuquerque and central office in D.C. In FY11,  
14 went down to \$18,974,000. In FY12, right this year, we're  
15 \$15,288,000. And in FY13, the proposed budget by the  
16 president is \$11,817,000.

17                   So you can see beginning FY10, the funding  
18 program management is consistently going down, and  
19 we cannot operate at the same level as we have been in the  
20 past, just simply due to the fact that each year we've  
21 getting less and less. Right now, our salaries and fringe  
22 benefits alone for education program management is right  
23 around \$14 million; that's to fund all of the line  
24 Albuquerque administration and the D.C. director's office.

25                   So we're needing your help to give us some



1 in terms of what we should look like. Like the BIA, BIE  
2 looking at utilizing the authorities for early out and  
3 also the Voluntary Separation Incentive Program, VSIP.  
4 like the Bureau of Indian Affairs, BIE have a number of  
5 that are eligible for retirement and if we make this  
6 available, it will help us meet the target of \$3 million  
7 we're going to have to reduce by.

8 Our estimates in the BIE is that we're going  
9 need approximately 43 FTEs to take either VERA or VSIP for  
10 to meet that \$3 million mark. Again, we're potentially  
11 looking at consolidating offices, to provide service to  
12 tribes, particularly out in the field. We're going to  
13 residual staff at key sites throughout the BIE service  
14 delivery area. And as you saw in the earlier slide, we do  
15 have schools in 23 states, so that's going to be quite a  
16 chore. If sufficient FTE take early-out as I indicated,  
17 going to need about 43 FTE to meet that \$3 million mark.

18 A combination of savings through FTE  
19 and overhead costs should be used to meet the budget  
20 of minus \$3 million. And pretty much, in a nutshell,  
21 what we're doing here. We're asking for your input  
22 the cuts program management has taken in the budget  
23 for 2013.

24 Any questions or comments?

25 MS. JOHN: Okay. Lisa John, Chickasaw

1 And I'm looking at the breakdown that you have for all of  
2 areas. Can you tell us, the central office in Washington,  
3 what is the breakdown there? I mean, I see the org chart,  
4 it doesn't really give us an idea of the central office  
5 the regional staff. Do you have anything on -- to show  
6 like in a slide, what that looks like there?

7 MR. TALAYUMPTEWA: The number -- total  
8 staff you're talking about?

9 MS. JOHN: Yeah.

10 MR. TALAYUMPTEWA: We don't have that here  
11 today, but on the BIE.edu website, we have put up a number  
12 other documents that show the BIE picture, but I -- we can  
13 certainly get that for you, total number of staff.

14 Maybe, Joe, do you have an idea about how  
15 we're looking at in D.C. right now? Ten? Ten people in

16 MS. JOHN: Total staff right now?

17 MR. TALAYUMPTEWA: Total staff right now is  
18 right, Joe?

19 MR. HERRIN: We have -- we have the  
20 Chief of Staff, Special Assistant, myself for Budget  
21 Execution; and then in Planning, we have Jim Martin,  
22 and Juanita; and then we have, you know, the people that  
23 assigned to us by the Bureau, and then the people on  
24 from DPA. But the primary staff at this time, some of the  
25 people from DPA understand what -- we relocated

1 D.C., but it's in the range of ten people --

2 MR. TALAYUMPTTEWA: Okay.

3 MR. HERRIN: -- then we have two support

4 MR. TALAYUMPTTEWA: Okay. It used to be a  
5 more than that in D.C., and I think it was back in 2004,  
6 somewhere in that neighborhood, a number of them, which  
7 makes up DP&A, Division of Performance and Accountability,  
8 were all moved out to Albuquerque. So they're now in  
9 Albuquerque with -- I guess you can call it pretty much a  
10 crew in Washington D.C. in the director's office.

11 UNMICROPHONED SPEAKER: (Inaudible).

12 MR. TALAYUMPTTEWA: Yeah, there's between  
13 to four people right now in the Associate Deputy  
14 offices; Navajo, West and East.

15 MR. GERMANY: David Germany. I'm Education  
16 Director for Mississippi Band of Choctaw. My first  
17 is, this morning in the BIE Streamlining handout, over  
18 on page 7 under program reductions, it says \$4.5 million  
19 Indian Student Equalization. What's that mean under  
20 reductions?

21 MR. TALAYUMPTTEWA: In the BIA --

22 MR. GERMANY: I asked -- this morning he  
23 well, we'll talk about education this afternoon, but --

24 MR. TALAYUMPTTEWA: Okay. All right.

25 MR. GERMANY: Is that ISEP money?

1 MR. TALAYUMPTEWA: Are you talking about --

2 MR. GERMANY: Page 7 of this thing.

3 UNMICROPHONED SPEAKER: Yeah, David, because  
4 part of (inaudible).

5 MR. GERMANY: It's the one that has all the  
6 in it, too.

7 UNMICROPHONED SPEAKER: (Inaudible).

8 MR. TALAYUMPTEWA: All right. Hang on,  
9 going to try to find one here.

10 MR. NEWLAND: Tony, you have yours here?

11 MR. TALAYUMPTEWA: Sorry, I didn't --

12 MR. GERMANY: That's all right. And I  
13 say anything this morning because he said -- it's page 7,  
14 very last line on the page. Page 7, the --

15 UNMICROPHONED SPEAKER: The slides, right?

16 UNMICROPHONED SPEAKER: Yeah.

17 MR. GERMANY: Not the slides, the summary  
18 behind the slides.

19 (Multiple, unmicrophoned overlapping

20 MR. TALAYUMPTEWA: Have you seen the 2013  
21 submission?

22 MR. GERMANY: No. No, no, no. I was just  
23 by what that summary sheet said as I looked at it.

24 MR. TALAYUMPTEWA: Okay. And the reason I'm  
25 asking you that, I probably should have made copies of

1 but what we can do is we can make a copy of this page that  
2 shows the 2013 budget request of the president that went  
3 Congress.

4 MR. GERMANY: Okay.

5 MR. TALAYUMPTEWA: But in here, in 2012,  
6 formula funds -- and let me go back to 2011. In 2011,  
7 formula funds, the 2011 actual amount that was  
8 Congress was \$390,361,000. And in the 2012 enacted amount  
9 \$390,707,000. Now, for 2013, the amount that is requested  
10 \$389,358,000. There's an increase in here for fixed cost  
11 related charges, which is workman's compensation, GSA  
12 payments, and then it takes out a minus \$4.4 million, like  
13 your document says.

14 MR. GERMANY: Okay. That's what that says.

15 MR. TALAYUMPTEWA: So the net amount of  
16 for ISEP for '13 is \$389,358,000.

17 MR. GERMANY: Okay.

18 MR. TALAYUMPTEWA: It's a net difference of  
19 minus \$1.3 million.

20 MR. GERMANY: But that is not in the \$3  
21 that you're talking about? That's --

22 MR. TALAYUMPTEWA: No. No, not at all.

23 MR. GERMANY: That's just plain ISEP money  
24 that's coming --

25 MR. TALAYUMPTEWA: Yes, and that's why I

1 it's critically important that I give you a copy of this.

2 MR. GERMANY: Okay.

3 MR. TALAYUMPTEWA: And we'll have it made  
4 you all recess for today.

5 MR. GERMANY: So ISEP is flat, pretty much

6 MR. TALAYUMPTEWA: Pretty much flat, yes.

7 MR. GERMANY: All right. Just one other  
8 before we --

9 MR. TALAYUMPTEWA: Sure.

10 MR. GERMANY: Those regional offices,  
11 you know I love you to death, but that office has only  
12 there five or six years. How is that working out for you  
13 I don't understand that layer of those associate deputy  
14 directors.

15 MS. BROWN: It's actually a new process in  
16 development. Being a relatively new organization as BIE,  
17 we're still trying to get staff in place. Don't have the  
18 resources accessible to us, but I think it -- my  
19 having worked with the nine line offices for the last two  
20 a half years as the ADD, is that we bring a lot of  
21 knowledge and organization to education versus the  
22 administrative functions that are -- have been  
23 performed by the line offices. We're bringing more  
24 educational oversight and, I guess, resource to the --

25 MR. GERMANY: The line offices --

1 MS. BROWN: -- education line offices.

2 MR. GERMANY: -- claim to do that --

3 MS. BROWN: Just being understaffed really  
4 being more as an administrative function, monitoring  
5 compliance and oversight basically. We've been working  
6 them to be more instructionally responsive, I guess you  
7 say. But that's the charge I see.

8 MR. GERMANY: All right. I would just --  
9 point anyway, I would rather you all, instead of closing  
10 offices, thought about that other layer you all put in a  
11 years back.

12 MR. TALAYUMPTEWA: And I -- hang on.

13 MR. ROESSEL: And I think, you know, along  
14 lines in the comments is -- you know, I've been with BIE  
15 for seven months right now. And I think in terms of what  
16 we're going through right now, it's an opportunity to  
17 look at what is it as a school you need from BIE, because  
18 lot of times we've heard at these consultations "we need  
19 technical assistance."

20 Okay. What specific technical assistance?  
21 is an opportunity, I think, to be specific to say, okay,  
22 level, this is what we would need from you, line office,  
23 is what we would need, so that we could look more like a  
24 school system and not a federal agency. I think that's  
25 we're trying to look at this point right now is to try to

1 this opportunity to try to be very specific in what is it  
2 you need as a school, as a department of ed from BIE to  
3 operate your schools in the grant or in the local  
4 So that's the other thing.

5                   In terms of Navajo, it's very different,  
6 only one tribe, as opposed to, you know, what Roxanne has  
7 deal with. So there's separate issues. But I think that  
8 specificity would be very helpful when we look at ADD  
9 line office level and what is it that you want at each  
10 and --

11                   MR. TALAYUMPTEWA: Let me just make a  
12 here, too. One of the things that we hope you keep in  
13 let me back up for just one sec. The director, Keith  
14 one of his biggest objectives is really to form  
15 with tribes in providing educational services to the  
16 that are in our system and also in the public school  
17 We want you just to be totally honest with how you think  
18 should look. I mean, we're here asking you for that, so  
19 apologize for what you've got in mind in terms of what we  
20 should look like. I want to encourage all of you to just  
21 speak your mind.

22                   MR. TIPPECONNIE: Robert Tippeconnie,  
23 Nation.

24                   I know when I looked at the one slide that  
25 showed from fiscal year '10 down to '13 where you say have



1 this \$3 million. As I understand, you know, it's in the  
2 president's proposed budget to take it out of the certain  
3 area, so that's what you're looking at, because -- I want  
4 be clear on that because in consultation with tribes, you  
5 know, it should be an open book, so to speak. But I know  
6 president presents it and this is the area that you're  
7 it needs to be adjusted.

8 I just have a question -- a couple of them,  
9 first of all, the first question I have, when you made the  
10 adjustment from fiscal year '11 to '12, you know, there  
11 \$3 million, more or less, right there you had to make an  
12 adjustment. Now, this is the enacted levels in the  
13 years?

14 MR. TALAYUMPTWEWA: For '10, '11, '12, yes.

15 MR. TIPPECONNIE: Okay. Those are enacted.  
16 you had to make an adjustment. I'm just curious what  
17 adjustment you made, then I have another question.

18 MR. TALAYUMPTWEWA: Basically, what we've  
19 for FY12, and actually we began in FY11, was began taking  
20 look at the funding for the Division of Performance and  
21 Accountability. They get funded separately from program  
22 management. They get administration dollars. They're  
23 attached to Title 1, Part B and so on. We have 19  
24 specialists that are sitting out in the education line  
25 offices. We were able to use some Department of Ed money

1 fund these specialists that are sitting out in the line  
2 offices. So we've begun to look at alternative funding to  
3 fund technical assistance out in the line offices, and  
4 what we did.

5 MR. TIPPECONNIE: So you basically kept your  
6 organization, you just offset it with other dollars?

7 MR. TALAYUMPTEWA: Yes.

8 MR. TIPPECONNIE: My other point is, you  
9 the way we're looking at it in our nation again is that we  
10 want in our population, you know, first of all, elementary  
11 success, secondary success, and then, of course, higher  
12 So when we look at statistics, you know, we're suffering  
13 the success to the elementary accomplishment, you know,  
14 graduation from high school. And we're seeing the  
15 needs to be invested in the elementary; first, second and  
16 third for sure, maybe fourth grades.

17 So it seems to me when we look at business  
18 anymore, we should be looking at the situations of our  
19 relative to getting these young people, or all of us  
20 we can all learn forever, but getting our young people  
21 especially enabled or capable to succeed through  
22 Education is going to be a great component for their  
23 So when we look at statistics, we need to be investing  
24 you know, in those levels.

25 But, anyway, my point is, it should be

1 that tribes have certain populations, and the populations  
2 certain elements are at risk. Like I say, the elementary;  
3 first, second, third and fourth grade. Because we're  
4 as an example for the futures, you need science,  
5 you know, technology, all that kind of -- the stem things,  
6 know, science, technology, engineering, math. We see  
7 And if you don't get some sense of mathematics in the  
8 second and third, you're not going to succeed in the  
9 because you're going to turn off, that mathematics is too  
10 for us, when it isn't, you know, so if you invest.

11           Anyway, the point I'm coming around to, when  
12 streamline, it seems to be, in my mind, we need to look at  
13 tribes, the circumstances that we need to educate. First  
14 all, it should be education that we're all about investing  
15 the individuals, the need of individuals, not in  
16 So, to me, I turn around that way, you know, where is --  
17 does the population lie in the demographic sense within  
18 nations, within specific nations, you know.

19           What is the profile here? What's down here,  
20 here, here, here? And then you invest in those places  
21 need that attention to have, you know, educated  
22 Now, that sounds really deep, doesn't it? But the point  
23 think we need to be looking at students and we should be  
24 looking at helping them succeed, and then where do we make  
25 this technical support, administrative support, line

1 support, specialty support, whatever.

2 I think the other component that I like, the  
3 director seemed to convey, is that we as Indian Nation  
4 establish departments of education for sure, you know, for  
5 point that if we can get statutory authorities in  
6 of Education and other places like Department of Energy,  
7 can maybe get direct funding from those locations or from  
8 those departments, not just coming down through BIE, but  
9 coming from the Department of Education.

10 So I think maybe I'm talking a little  
11 what you want to hear, but I really feel the investment  
12 be always in the student and then looking across the board  
13 much as you can get that profile, that statistics, you  
14 if you have the three deputy areas, get those statistics  
15 within those areas of those respective tribes and then see  
16 where we need to invest and how we should be investing,  
17 know, with the skill, administrative, technical, whatever  
18 you're talking about.

19 Because I think too often, I look at  
20 in the public arena and we have a lot of public school  
21 and we're trying to work with them, and it's been a  
22 to us because they're so unionized and they're so  
23 administratively heavy it seems like to me. Too many  
24 principals, too many, you know, administrative staff when  
25 poor classroom students are over -- they say too many

1 in a classroom. Well, you're eating it all up by all this  
2 administrative, you know, in the public school system.  
3 then you get into their unions and their unions are all  
4 hanging them out, you know. Well, you got to do this, you  
5 to do that. So I just want to say that I hope we don't  
6 trapped by getting too heavy administrative and we get too  
7 much into trying to organize ourselves to be  
8 bodies, rather than investing in the student.

9 MR. TALAYUMPTEWA: Okay. Your comments are  
10 taken. Thank you.

11 MR. ROMAN NOSE: Good afternoon. My name is  
12 Quinton Roman Nose, I'm Cheyenne from Oklahoma, but I'm  
13 today representing the National Indian Education  
14 We do have a position paper in the form of a letter to  
15 Moore that we'll be providing to you also, but I do have  
16 questions, but I'll wait on the contents of most of the  
17 letter.

18 But just listening to your presentation and  
19 looking at the PowerPoint, you know, it is a difficult  
20 I mean, I know, you know, how hard it is to come up with a  
21 plan, but a couple of comments. I know that I've heard  
22 Mr. Moore say that, you know, BIE would have liked to move  
23 forward as to be considered SCA-like organization. And to  
24 you know, in theory, that's, you know, really great. I  
25 that's powerful and a lot of good advantages, but you know

1 here we are -- you know, if that's the case, then, you  
2 reducing your resources by \$3 million doesn't make any  
3 if that's what you're still going to try to do. So that's  
4 just a comment.

5                   Then the other comment to pick up from the  
6 gentleman from the Comanche Nation here, on data on your  
7 PowerPoint, page 3, page 4, page 5, where you broke it  
8 the different regions and areas, you know, we are here for  
9 students, and unfortunately, now we have a majority of our  
10 tribal students in public schools. And I know that a lot  
11 your BIE focus efforts has to be with the operation of the  
12 school systems that you do have, but that doesn't mean we  
13 should ignore the other students who are in public

14                   You provided us with some data and I'd like  
15 see some more data, and I know some of it's in the  
16 also. But, you know, the tribes and also the BIE do  
17 administer higher education grant programs that are  
18 to students that do administer Johnson-O'Malley funds,  
19 I'm sure we're going to have a very long discussion about  
20 tomorrow, and then there's also the adult education funds.  
21 those students who are receiving that type of assistance,  
22 would like to see that listed, you know, in your data by  
23 what particular ELO or what area that they're receiving.  
24 also, I would like to compare, you know, those Native  
25 students, if you have data, who's actually in public

1           And I bring that up here, being in here in  
2 Oklahoma, we have the largest Native American population  
3 any state in the United States. So those kind of factors,  
4 know, need to be considered when you look at  
5 And, you know, it is a trust responsibility to our  
6 that we need help from -- you know, at all areas,  
7 tribal education departments, so they can work with public  
8 schools to better the achievement of our education for our  
9 students.

10           So I'd like -- just like to see more data,  
11 don't know if you can get it by tonight and provide it to  
12 tomorrow, but I'd like to see that information as, you  
13 who -- how many students actually are being served by  
14 JOM, adult ed, higher ed and how many students are  
15 each particular school district and the composites for  
16 the ELOs and composites for each of the area offices.

17           I think that that's information the audience  
18 would like to see and, you know, have more of a  
19 of how decisions will be made for reorganization. So I'll  
20 have some more comments later, but I just want to make  
21 comment.

22           MR. TALAYUMPTEWA: Sure. Unfortunately, we  
23 probably won't be able to get that data this evening but  
24 of the other topics on consultation here is Johnson-  
25 and the student count, so if you'll allow us to talk about

1 that when we get to Johnson-O'Malley. Thank you, Quinton.

2 Any other comments or questions?

3 MR. NEWLAND: In the back.

4 MR. SPEARS: Good afternoon. My name is  
5 Spears, I'm the administrator at Jones Academy. We're a  
6 facility through the Choctaw Nation of Oklahoma. I have a  
7 letter from our Assistant Chief, Mr. Gary Batton, on a few  
8 recommendations that he would like to make today. And  
9 turn in the paper and the rest of the information after  
10 comments.

11 But the Choctaw Nation of Oklahoma  
12 the importance of formulating and streamlining -- a  
13 streamlining plan for the BIA and BIE. We look forward to  
14 working with the BIA and BIE in their efforts to provide  
15 quality services in the most efficient manner available.

16 The Choctaw Nation makes the following  
17 recommendations for the streamlining process.

18 Number 1, retain the education line office in Oklahoma  
19 and/or establish a Bureau of Indian Education regional  
20 education center or technical assistance center in

21 Based on the census of 2010, there were  
22 approximately 2.8 million Native Americans in the United  
23 States. Almost one-third were 790,000 of these members of  
24 38 federally recognized tribes located in Oklahoma. The  
25 census also showed a population of 323,000 Native



1 reside in Oklahoma. Research showed many members reside  
2 North Texas and Kansas. When these states are factored  
3 the population rises to over 5,000 in the Oklahoma --  
4 in the Oklahoma area.

5 By comparison, the states in North Dakota,  
6 Dakota, Minnesota, Montana and Wyoming have a combined  
7 American population of just over 242,000. This figure  
8 is 80,000 less than the state of Oklahoma. So, as you can  
9 see, we have -- as many of you have said before, we have  
10 many Native American students and population here in

11 Recommendation Number 2 was to reestablish  
12 Bureau of Indian Education Division of Residential Life  
13 Residential Life Specialist position. The Division of  
14 Residential Life would provide staff training, guidance,  
15 direction and support to residential programs to ensure  
16 dormitory experiences complements and enhance classroom  
17 instruction and support student achievement.

18 The division would conduct evaluations of  
19 residential programs to assess their performance against  
20 standards for model residential programs. The Residential  
21 Life Specialist would assist in the development,  
22 and implementation of standards, policies, procedures for  
23 66 programs that board approximately 7,000 students.  
24 have been many significant changes in programs with  
25 populations at the boarding schools because of economic,

1 social, educational and other factors. As a result,  
2 residential programs are challenged with student  
3 which require stronger intervention, increased resources  
4 improve home living, classroom and extracurricular  
5 to address issues of abuse, trauma, neglect, cultural  
6 and school failure. Residential Life Programs must  
7 continually evaluate, examine their purpose, limitations,  
8 services, programs and staffing patterns to address the  
9 of their student population.

10           The overriding challenge for all involved  
11 residential programs is to provide a home away from home  
12 supports the educational, social behavior -- behavioral,  
13 cultural and physical development of each of the  
14 students. If residential programs are to succeed, a  
15 commitment must be made to ensure their needs are  
16 and supported.

17           The Choctaw Nation commends the BIA and BIE  
18 their desire to enhance educational opportunities for  
19 Americans. We appreciate the opportunity to comment and  
20 recommendations on these issues, which are vital to the  
21 education of our young people. Again, I'll turn all these  
22 comments in.

23           MR. TALAYUMPTWEA: Thank you very much.  
24 very, very helpful information.

25           Anybody else, question or comments?

1 MR. TIPPECONNIE: I have one more.

2 MR. TALAYUMPTEWA: Okay.

3 MR. TIPPECONNIE: You know, there was some  
4 figure given here, like the 500,000 students. You know, I  
5 back to the student again. It seems like when we look at  
6 investment we're making in some of these schools, you  
7 think there's a better investment in a different type of  
8 school. You know, I think of some locations. I hesitate  
9 naming them because I don't want to challenge other  
10 but I know in some locales, there's public school, there's  
11 tribal school, and then there's the BIE -- BIA school.

12 And I think when we -- when you have those  
13 within the same locale, I think the cost, obviously, of  
14 care of those schools are very expensive, so it seems to  
15 that, again, that's why I make the point the student  
16 the one that we have in mind. And how do we get the best  
17 dollar given to each of the students so they achieve? Not  
18 into the school system or into the facilities or into the  
19 separate schools.

20 It seems to me you can get a greater bang by  
21 save one school costing -- I'll use, like, Anadarko,  
22 Riverside. The cost of that per student is phenomenal.  
23 you can take that dollar and put it into a different  
24 system and get a greater number of students achieving  
25 something, even to the point of the lifestyles, you know,

1 our children are really impacted with and having that  
2 technical support.

3                   You know, I was talking to the -- to the  
4 Director of Education with the Osage Nation, and she's  
5 maybe she'll comment. But I like the fact that, you know,  
6 they're placing someone -- their nation is in -- placing  
7 someone in the public school systems. Well, you can also  
8 place that other skill, which is the one on the  
9 you know, one on educational actions and the other on the  
10 social predicaments that our students have, because you  
11 address one without the other.

12                   We wish our families would always do that,  
13 there's so many dysfunctional circumstances now in the  
14 society, and that should make us all ashamed because we  
15 to get back to that. But nonetheless, it exists. So I,  
16 again, go about saying, when you look at the school  
17 and you listed them all here, numbers of them -- some are  
18 expensive, and they're -- and the dollar could be better  
19 by looking at those systems or those schools and saying,  
20 is the better school where you could get more students and  
21 can take that dollar and get more mileage out of it. I  
22 think that's something that we should be looking at down  
23 road.

24                   I know you want to hone in on this 3  
25 right in that administrative area, but I think you need to

1 look at that -- this whole picture because some of the  
2 are -- I think are just too expensive trying to  
3 for the small numbers of students. And I don't want to  
4 dismiss the importance of Anadarko and Riverside, but when  
5 look at it -- our eight tribes around there, you know, we  
6 very few students in that school system.

7           The schools -- the students are coming from  
8 other places like the western states and such. And I  
9 want to discount that because it's very important. I see  
10 value of them coming, getting a breadth of experience, and  
11 it's very valuable. But, again, I think, you know, we  
12 look again at where do you best invest the dollar.

13           When you look at 500,000 -- I'll just take  
14 students here that we was -- that was highlighted --  
15 students, what's the success of them or what's the  
16 of failure of them statistically? What can we do with the  
17 dollar that we have in getting -- helping them achieve  
18 success?

19           MR. TALAYUMPTTEWA: And I appreciate that.  
20 know, in this time of limited fiscal resources, not only  
21 the department looking at how we're spending the money,  
22 Affairs, but OMB is very interested in what we're doing  
23 the money that they appropriate to -- for Indian

24           And certainly one of the questions that's  
25 raised in the past has been, if you have bureau-funded

1 closely co-located with public schools, you know, what's  
2 possibility or feasibility of potentially having the  
3 that are going to BIE-funded schools going into the public  
4 schools? But it's a question that's been around for a  
5 And it sounds to me like -- and I don't want to put words  
6 your mouth, but it sounds to me like that's an option that  
7 you're consider -- you could consider in terms of Indian  
8 education. Okay.

9 Anybody else?

10 MR. GERMANY: One last small question. How  
11 this streamlining -- or is it at all tied to the MOU and  
12 Department of Education and would that affect it?

13 MR. TALAYUMPTEWA: No, it's not. It's a  
14 separate issue, and they're actually going to be  
15 the MOU within the next month or so.

16 I think it's in June, starting in June?

17 MS. BROWN: Yeah.

18 MR. TALAYUMPTEWA: Yeah.

19 MR. GERMANY: But that doesn't have anything  
20 do with how this is going to be -- how you all are going  
21 shaping it?

22 MR. TALAYUMPTEWA: Well, it really depends  
23 how this streamlining will impact Division of Performance  
24 Accountability, so --

25 MR. GERMANY: There, you could save some

1 just by getting rid of those people.

2 MR. TALAYUMPTEWA: Well, it's certainly  
3 something to consider. But yeah, actually, in the  
4 streamlining, the Division of Performance and  
5 is not necessarily an office that's not going to be  
6 because we -- we are going to have to look at -- because  
7 limited funding for program management from Interior,  
8 going to have to look at what funds we're able to utilize  
9 the Division of Performance and Accountability to continue  
10 providing services to the students that we serve. So,  
11 it's definitely an option that we're looking at.

12 And there was a hand somewhere else.

13 MR. TSOSIE: Yes, Lorenzo Tsosie.

14 And my question is -- two of them. One, you  
15 mentioned forming partnerships. I don't know about you,  
16 lot of the places that I go, the cities that I go to, they  
17 they're closing public schools and -- because of funding,  
18 those buildings are left empty. And so if -- and  
19 from what I can see is that they are -- they would be more  
20 modern, if you will, than you would find, say, a school  
21 maybe the BIE is operating.

22 So, possibly, this is what I'm thinking  
23 without -- what I'm thinking then is, if we were to look  
24 if we were to utilize those empty buildings so we were  
25 actually possibly upgrading in the environment for the

1 children when they come.

2           In addition to that, there's a bus system  
3 already in place for the public schools that we can  
4 with to use as another stop, if you will, an extra -- one  
5 extra stop for them would be to this particular school  
6 was empty but now is run by BIE. So partnering with a  
7 district for the busing portion of that.

8           I know that in Colorado Springs, a lot of  
9 come up there as far as how they cut the budget was with  
10 busing. They used to own their own buses or they used to  
11 lease out -- get a lease on the buses. Now, what they're  
12 implementing is that each family, they are paying a dollar  
13 a daily basis to be able to get on the bus and go to  
14 and back.

15           So they've cut a lot in that area, but then  
16 so there's another funding source that comes in. There's  
17 some public assistance that comes in that helps pay for  
18 dollar. So, now, like you did cutting that \$3 million,  
19 just shifting it to another source now. So more of a --  
20 that is one thought that might be looked at, is  
21 where these -- our buildings are.

22           If we have older buildings that the BIE is  
23 running, maybe the inefficiency there is, you know, where  
24 single-pane windows, and during the wintertime we're  
25 extra utility bills and that type of thing to keep the



1 building warm for the children. And then shifting that,  
2 hey, there's a newer building that's available, empty, why  
3 don't we take that over, negotiate a good value for it, to  
4 purchase it or whatever we need to do, and then that would  
5 more efficient than an older building. Just some thoughts  
6 that.

7 MR. TALAYUMPTEWA: Thank you. We will  
8 take a look at that.

9 MS. JOHN: This is Lisa John.

10 You said to just let you know what we would  
11 potentially like for the schools to look like. So one of  
12 things that I think that would help in the future for some  
13 these schools is that they would have more of a  
14 model, home, because I know that the dorm sometimes is --  
15 know, the ratios are sometimes larger. But I think that  
16 students are more productive and feel more as if they have  
17 someone that cares amidst more of a smaller ratio with the  
18 more therapeutic model.

19 Now, this is more long-term. But for what  
20 did with the children that used to be in our Carter  
21 in Ardmore is we went to Kingston and worked with HUD and  
22 built different, like, homes for them, where students all  
23 in a home setting. Now, they do go to public school. But  
24 whenever the transition was made, those students' grades  
25 gone up. They -- they're more active and they participate

1 more in the extracurricular activities.

2                   And so we've seen a more positive impact on  
3 them, but it's because the ratios are smaller and because  
4 are more in a family setting, and that's what they need.  
5 we have more of them going to school and participating in  
6 things, and so -- and graduating. And so, whenever you  
7 the grade points go up, you know that something is going  
8 there, that they're starting to be more receptive to their  
9 environment. So, I mean, that's a long-term type of thing  
10 that I wanted to tell you about.

11                   But also, as far as looking at what maybe  
12 needs are, from what I see, is that more professional  
13 development for some of the staff in those schools is  
14 I would suggest that the BIE would have a type of a best  
15 practices link on the website, because there are some  
16 good things going on, even in the tribal education  
17 that could cross over into the BIE schools that they could  
18 adopt. I mean, we do some inexpensive things --

19                   MR. TALAYUMPTEWA: Right.

20                   MS. JOHN: -- just because people are  
21 volunteer their time and their resources.

22                   But from certain -- there's a lot of  
23 organizations that are -- nonprofits that are out there to  
24 help as well. Those type of things that can be on that  
25 to help share educational programs. Like for here in

1 and across the United States, they have the A-Plus  
2 which actually promotes creativity and brings art and  
3 and dance and things into the curriculum for grade

4           And so what happens is, whenever you link  
5 them, they provide all of the training, they provide --  
6 send your teachers to places so that they can get -- bring  
7 get those tools and bring them back into the classroom and  
8 develop -- and helping the children to be more creative  
9 develop and to learn, and they enjoy school. It has  
10 I mean, they get -- their data on their reports and for  
11 students' grades and their test scores has gone up, and so  
12 it's a positive model.

13           But linking into some programs like that  
14 be really helpful, but those are things that probably  
15 put on to that link so that people that -- or the BIE  
16 that have -- want to get some ideas on what's going out in  
17 education can find those things. But I -- you know,  
18 you can't fault all the staff and the teachers and the  
19 administration of those BIE schools that they have not --  
20 know, that, oh, they're not doing anything.

21           You can't just point the finger because  
22 circumstance is different, and they have a lot to deal  
23 the schools. And what -- we know it from how much we have  
24 deal with our public schools, the demands, the testing,  
25 know, funding, those teachers don't have the supplies, and

1 then you look how the BIE schools have been left even  
2 behind, and so -- and then even with our facilities, you

3 I commend them for the work that they're  
4 in the schools, but I also think that Indian Country,  
5 we are a -- actually have a BIE school or not, you know,  
6 have a Tribal Education Department. We have some  
7 and some ideas that possibly they could use, too. And so  
8 need to link up together not only with the nonprofits,  
9 the tribes and other organizations to kind of give -- help  
10 everybody out, because we're all in this together.

11 I mean, they have Chickasaw kids in schools  
12 across the United States, and we have some of theirs in  
13 schools. So, I mean, it's not us versus anyone in

14 MR. TALAYUMPTEWA: I really appreciate that.  
15 And it sounds to me like you've got a lot of ideas and a  
16 of sources that educators can link into.

17 What I would do is I would invite you to the  
18 BIE's Summer Institute, which is happening, I think, the  
19 week in June and is being held in Denver. And, you know,  
20 talking about the forming of partnerships, I mean, these  
21 some of the things that we'd like to see happening between  
22 tribes and the BIE, that, you know, we come together to  
23 all of the sources that -- resources that we have.

24 The person's name that you need to contact  
25 you can get on the agenda at the summer institute to share

1 this information. Her name is Valerie, and the last name  
2 Todacheene, T-O-D-A-C-H-E-E-N-E, at BIE.edu. And DPA will  
3 happy to accommodate you to get on the agenda and give you  
4 some time, if you could do that. All right. Thank you.

5 Okay. Are there any other comments or  
6 questions? Right here.

7 MS. LUCYANN HARJO: Hi. I'm Lucyann Harjo  
8 Norman Public Schools in Norman. It's a suburb of  
9 City metropolitan area.

10 I'd like to support the recommendation  
11 line office in Oklahoma City area. I am part of a  
12 of Indian education directors in the Oklahoma City area.  
13 have over 12,000 American Indian students. For my school  
14 district, we have 68 nations represented in Norman Public  
15 Schools. We have over 2,000 students. And our  
16 Johnson-O'Malley funding comes directly from the Oklahoma  
17 line office.

18 And there are no tribes representing us or  
19 students in the metro area, and more than half of the  
20 Indian students in the Oklahoma City area are in the  
21 Johnson-O'Malley programs. I don't know how many school  
22 districts are represented in the metro area, but the  
23 consortium has about six or seven schools represented  
24 that's -- and that's only seven of them and over 12,000  
25 American Indian students. So please remember our kids in

1 cities, please.

2 MR. TALAYUMPTEWA: Thank you very much. We  
3 certainly will consider all of those. Thank you.

4 MS. DOYLE: I just -- I will have one  
5 Ida Doyle, Osage Nation.

6 I was just going to comment on Mr.  
7 and then go along with Mr. Roman Nose on making  
8 along with what Ms. John said. We have 13 school  
9 Osage County, which takes in about 1,839 kids; and we have  
10 field facilitators in our public schools. And by having  
11 kids -- or these field facilitators, it gives us access to  
12 kids, K through 12.

13 And not only do we have access to grades,  
14 attendance, parents, we sit on the -- the different  
15 like the truancy board, we sit on the IEP boards, and it  
16 us access to the -- our kids and their information, their  
17 scores, their grades along with that. But also along with  
18 I know with Oklahoma what -- we're 49th in the state in  
19 education out of the United States in funding.

20 And right now in Osage County -- I'm not  
21 speaking for all of the state of Oklahoma, but I am  
22 for Osage County -- there are four schools that the  
23 are only going four days a week because they don't have  
24 funding to go five days a week. So we got 2,000 possible  
25 that are only getting four days out of five in education

1 because we don't have funding. So partnering with the  
2 and looking at other areas to help all Native Americans is  
3 important to us in Osage Nation.

4 MR. TALAYUMPTEWA: Okay. Thank you very  
5 Anybody else? Comment or recommendations,  
6 questions?

7 MR. ROMAN NOSE: I didn't realize this is  
8 to be the last session for the afternoon, so I'll read my  
9 letter from NIEA. Quinton Roman Nose, NIEA President.

10 This is addressed to Director Keith Moore,  
11 it's comments on the NIEA review of the JOM organizational  
12 streamlining and questions for the BIE.

13 Dear Director Moore, I'm writing on behalf  
14 NIEA. Founded in 1970, the largest, oldest Indian  
15 organization in the nation with a membership of over 3,000  
16 American Indian, Alaska Native and Native Hawaiians,  
17 leaders, school administrators, teachers, elders, parents  
18 students. NIEA is dedicated to promoting Native education  
19 issues and embraces every opportunity to advocate for the  
20 unique educational and culturally related academic needs  
21 Native students.

22 NIEA advocates on behalf of all Native  
23 including those on and off reservations, Alaska Natives,  
24 Native Hawaiians and urban Natives that are being educated  
25 state public schools away from their reservations and

1 homelands.

2                   We are pleased to see the Bureau of Indian  
3 Affairs and the Bureau of Indian Education engaging Native  
4 educators and communities through the upcoming  
5 in April and May 2012 on a wide range of topics. We would  
6 like to address two areas in our comments. One is the  
7 Johnson-O'Malley count, which I'll make comments tomorrow  
8 and then also the Organizational Streamlining Plan. We  
9 have questions for BIE to address regarding policy,  
10 and resources of the BIE.

11                   I'm going to jump down to the reorganization  
12 portion of it. We understand that the BIA is asking for  
13 consultation on the organizational streamlining effort  
14 currently being undertaken by the agency. Although the  
15 still being reviewed for a similar effort and that report  
16 be released in June, the NIEA would like to submit some  
17 preliminary comments on the BIE streamlining process.

18                   The BIA has indicated it wants to save  
19 \$3 million by streamlining the BIE. While we certainly  
20 support the overall goal of improving efficiency and  
21 sharing, our view is those goals must not be achieved at  
22 expense of Native students served by the BIE. Any  
23 gains that the BIE assumes it will realize must be placed  
24 the context of whether or not these will directly benefit  
25 Native students in BIE schools. The BIE streamlining



1 should take a comprehensive, objective view at how BIE  
2 operations so -- how the BIE operates so that student  
3 achievement and success is their first priority.

4           And here are some of the questions we have  
5 BIA. We certainly support the education of all Native  
6 students in all types of school -- public, BIE, tribal --  
7 recognize that only six or seven percent of all Indian  
8 children attend BIE-funded schools. But in order for NIEA  
9 take positions and effective testimony, we need to  
10 some of the policy, positions and resources of BIE.

11           To examine the value of these consultation  
12 sessions, we have prepared some critical questions to be  
13 included as part of these hearings that might help clarify  
14 educational needs of BIE education in serving the needs of  
15 students they currently serve. Out of these students set  
16 forth below -- excuse me -- out of these questions set  
17 below in this letter and others that will be asked at the  
18 consultation sessions, it is hoped that we can work  
19 on developing a practical strategy for advancing the BIE  
20 school system.

21           Question 1: What is the BIE's position on  
22 considered a SEA, State Education Agency, for the purposes  
23 ESEA, also known as NCLB?

24           Question 2: What is the current per-pupil  
25 expenditure for the BIE in grades K through 12 by both the

1 school and boarding school systems? Can this be broken  
2 by funding source?

3 Question 3: Does the BIE currently support  
4 being moved to the Department of Education, as some have  
5 advocated?

6 And the next question: Do most BIE schools  
7 utilize their respective state -- state's assessment  
8 standards? What is the position of the BIE on developing  
9 own academic assessment standards?

10 The next question: Do most BIE schools  
11 state accreditation standards? Is there a plan for BIE to  
12 develop its own accreditation standards that can be used  
13 all their schools?

14 Next question is: What is the per-pupil  
15 by BIE schools for K to 12, BIE funding and other funding  
16 sources separated, both for schools that provide housing  
17 students and those that provide only day schools? We  
18 like to see the financial need -- the fiscal need for the  
19 education of its students and where they rank the public  
20 schools -- rank with the public schools serving Indian  
21 students.

22 The next question: Do BIE teachers have  
23 collective bargaining rights? What is the average teacher  
24 entry wage and average teacher wage in BIE K-12 schools?

25 The next question: Does the BIE collect

1 student achievement in grades K through 12? If so, how is  
2 this data readily accessed?

3 Next question: Are there limits in the  
4 that can be provided for tribal support costs for tribally  
5 operated schools? Is there a percentage?

6 Next question: Since the BIE is a member of  
7 CCSSO, are you participating in the development of the  
8 Core Standards? Is BIE participating in the development  
9 Common Core Standards? Your support for the inclusion of  
10 Tribal Sovereignty standard in the Social Studies  
11 that is currently underway by CCSSO would be great.

12 NIEA would like to increase our advocacy for  
13 BIE as part of our comprehensive national efforts on  
14 Native students. We believe the range of issues in these  
15 initial questions will be an effective starting point.  
16 that's the parts of the letter that I'll turn over to you.

17 But also, personally, I want to comment,  
18 some of the school -- for Riverside school. I think five  
19 Bureau-funded schools that are called off reservation  
20 school to attend a commission different than the other BIA  
21 schools that were asked. Most BIA schools serve primarily  
22 reservation or service area, but org schools serve all  
23 students throughout the nation who are fairly recognized  
24 who allow their students to attend. So I do promote, you  
25 know, org skills that do have a function and a mission

1 the BIE.

2 I think personally -- you said, say what's  
3 your mind. Well, here it is. There's a pink elephant  
4 this room -- I mean, in the living room. I mean, there's  
5 probably many pink elephants, but I'm going to talk about  
6 It's great, you know, we're going to streamline BIE. It's  
7 great. You know, we have great plans, we're going to do

8 Unfortunately, you know, if -- you're here  
9 Oklahoma, you know, OU football is number one, Thunder  
10 basketball is number one, but it would be -- it would be  
11 difficult for Bob Stoops, head coach of OU, to, you know,  
12 claim for his football team if he had to coach at OSU who  
13 running his football team. I mean, if he didn't have  
14 over how to develop and promote his team, it would be very  
15 difficult. Even though he's been named the coach for the  
16 University of Oklahoma, he's got somebody else controlling  
17 things.

18 And so the pink elephant in the room is  
19 you know, these streamlining efforts are great and I hope,  
20 know, everything is achieved, but there's some control of  
21 administrative functions that's within the Bureau. The  
22 biggest pink elephant in the room I think is the school  
23 construction monies. Historically, if you don't know that  
24 the -- you know, the Bush Administration, Republican  
25 administration, they came forth with a lot of money for

1 construction, over \$200 million per year. Now I think  
2 down to \$50 million a year for school construction.

3           So now we have BIE, Keith Moore as the  
4 and, you know, schools are supposed to be built and he's  
5 BIE director and where is his control? I can tell you he  
6 lacks full control as to how to change things. Because he  
7 didn't have control, we're no longer on schedule to build  
8 those buildings that are Native BIE schools. And so I  
9 this streamlining effort would also mean more control  
10 the BIE for their own functions.

11           So I'm sure those of you sitting at the  
12 probably can identify more administrative functions. And  
13 know you probably can't change it, but I do know that it's  
14 definite need. But if you're going to make BIE really  
15 then give them the full function and control of all the  
16 that they need to control. Thank you.

17           MR. TALAYUMPTEWA: Thank you, Quinton. And,  
18 know, I have to agree and just mention that facilities was  
19 spoken to some in the Bronner report, and there's some  
20 recommendations to move that under the director of BIE.  
21 thanks for your comments, and also thanks for the letter.

22           And I would encourage the rest of you, if  
23 would like to put it in writing and get it to the e-mail  
24 was posted up here this morning, we'd appreciate that.

25           Anybody else? Right here.

1 MR. FOSTER: Good afternoon. A.J. Foster,  
2 Seminole Nation.

3 Let's not undervalue the importance of BIE  
4 schools. I resigned from Riverside Indian School in  
5 last July, and I want to stress the importance and the  
6 BIE schools, such as Riverside Indian School in Anadarko.  
7 When I resigned last year, Riverside Indian School had  
8 500-student waiting list. They already -- they already  
9 500. 500 was still in need of trying to get into the

10 I also agree with Ms. John from the  
11 Nation, that tribes need to build maybe more of a rapport  
12 the BIE schools and may be able to help them out. Thank

13 MR. TALAYUMPTEWA: Thank you very much for  
14 comments.

15 Anybody else? Comments?

16 If not, it's just going on 3 o'clock, and  
17 wondering if we could take a break and potentially come  
18 and finish up the assurance statements today. Would you  
19 willing to do that or do you want to wait for that until  
20 tomorrow? And we've got a couple of hours still in --

21 UNMICROPHONED SPEAKER: Do it tomorrow.

22 MR. TALAYUMPTEWA: You want to do it

23 MR. NEWLAND: Let's do a show of hands. Who  
24 wants to talk about this today? Raise your hand. Got  
25 four, five -- seven.

1                   Who wants to wait until tomorrow? All

2                   MR. TALAYUMPTEWA: It's a tie.

3                   MR. NEWLAND: Yeah. We'll take a -- we'll  
4 a 20-minute break and we'll come back and we'll finish  
5 all up by 5 o'clock?

6                   MR. TALAYUMPTEWA: Yeah, the assurance  
7 statements. Then we'll still have Johnson-O'Malley to do  
8 tomorrow, so --

9                   MR. NEWLAND: All right.

10                  MR. TALAYUMPTEWA: Okay. And I'll get that  
11 budget information for you, so make sure you come back.  
12 Thanks.

13                               (Recess.)

14                  MS. BROWN: Good afternoon. We're going to  
15 convene the last session for the day on the grant  
16 We've got the PowerPoint set up, so if you'll take your  
17 we'll get started here.

18                  MR. TALAYUMPTEWA: Thank you. Earlier  
19 talked about the 2013 budget. I've made copies of it and  
20 they're back on the registration table, so if you get a  
21 minute, make sure you pick up a copy and you can see all  
22 the funding line items for the Bureau of Indian Education  
23 what we received in 2011, what we received in 2012, and  
24 is being proposed for 2013. And you can follow that  
25 for the past three fiscal years. So make sure you get a

1 of it before you leave.

2 I appreciate those of you that decided to  
3 for the assurance statements. One of the things that the  
4 is looking at is accountability. And I think, to a large  
5 extent, tribally-controlled schools also are looking at  
6 accountability.

7 The Public Law 100-297 grants, the law was  
8 enacted back in 1988. Public Law 93-638, which is the  
9 Self-Determination Indian Education Assistance Act, was  
10 enacted back in 1975. The initial intent of 93-638 was to  
11 move towards giving Indian tribes an opportunity to look  
12 self-determination, self-governance, making decisions for  
13 themselves for their own destinies.

14 93-638, back in those days, was a bit  
15 and would not allow you to receive funding at the  
16 the fiscal year, but rather you had to negotiate how those  
17 payments were going to be made. And, of course, 93-638,  
18 you're required to do a scope of work, a budget and a  
19 narrative that had to be approved by the Bureau of Indian  
20 Affairs.

21 So in 1988, Congress came up with -- enacted  
22 Public Law 100-297, which was referred to as Tribally  
23 Controlled Schools Act. And the intent of that particular  
24 was to make it more flexible in terms of schools being  
25 operate and operate more efficiently. It allowed you as a



1 tribe then to come in with an application, which was then  
2 reviewed and then approved by the director. Back then, it  
3 OIEP, and now today, it's a director BIE. The application  
4 does not require you to submit a budget, but it does  
5 you to show the director that the tribe is capable of  
6 operating the school and spelling out what programs  
7 going to be operating within that grant.

8           And also, annually, on a 638 contract, the  
9 contractor or the tribe has an opportunity then to  
10 with the BIA or BIE, if the 638 contract is with BIE, to  
11 negotiate the scope of work, the reporting requirements  
12 the payment frequency of a contract. In a PL 100-297  
13 we do not sit down with the grantee annually to negotiate  
14 reporting requirements or a scope of work for the grant.

15           Essentially, the law states that, as a  
16 you get 80 percent of funding due to you on July 1 based  
17 what you received in the prior year. And on December 1,  
18 you get the balance of what's due to you for that  
19 fiscal year. And so that's pretty much how 100-297 works.

20           Now, one of the things that I think --  
21 particularly today, with the limited resources that we  
22 we've got to all come together and be accountable for the  
23 federal dollars that we're putting out there into the  
24 And as a result, we actually introduced what we call the  
25 assurance statements a couple of years ago. But that

1 became -- it was a two-page assurance statement, and it  
2 taken directly from a website called grants.gov, which  
3 generally covers all grants with the federal government.

4           And then we've had some discussions since  
5 with various grantees. When we put out the initial  
6 statements, there were grantees that were -- that would  
7 blacken out provisions that they didn't agree with or they  
8 would call us and threaten us that they're just not going  
9 do it and, you know, we're just going to have to put up  
10 it.

11           Well, I think we did for a little while, but  
12 think now we really need to take a look at the  
13 issues. So this is what we've come up with as an  
14 statement and would like to go over that with you and how  
15 came to this point.

16           So the BIE is seeking tribal input on  
17 to Standard Form 424, which actually is the assurance  
18 statement for 100-297, tribally-controlled grant schools.  
19 And, again, we took the initial assurances that applies to  
20 general grants with the federal government and have  
21 to fit more the tribally-controlled school grants that we  
22 issue out of the Bureau of Indian Education.

23           And the assurance statement accompanies the  
24 transfer of funds from the BIE to the tribally-controlled  
25 grant schools, and this happens each July 1. When you get

1 your new amendments, you usually get it with -- attached  
2 the assurance statement.

3           And there's two things that particularly I  
4 bears notice, and one of them is the environmental  
5 requirements. And I'm not sure how many of you are aware,  
6 the EPA has been conducting reviews at our schools for all  
7 EPA-related issues. And they found a number of  
8 with EPA at our schools, both whether they're tribally-  
9 or BIA-owned facilities.

10           And, in fact, Indian Affairs has been fined  
11 a million dollars for all of the noncompliances that are  
12 there in our schools. Fortunately, to date, Indian  
13 has met with EPA and the fine is on hold and they're  
14 us to come into compliance. And as a result, some of you  
15 be familiar with the new automated system called  
16 Management Information System.

17           As a part of the agreement with EPA, Indian  
18 Affairs committed to implement a system that would keep  
19 of all of the noncompliances on EPA issues at our schools.  
20 And so that's an item that we put into the assurance  
21 statement. We'll go over the entire assurance statement  
22 in a few minutes.

23           And then the other piece that we put into  
24 assurance statement is the adherence to all of the  
25 requirements of Elementary and Secondary Education Act and

1 Individuals with Disabilities Act requirements, and  
2 it's Public Law 107-110, No Child Left Behind, which  
3 both of these programs. Okay.

4           What we did with developing the assurance  
5 statement is I formed a group, a focus group that met to  
6 a look at the old assurance statements and then to come up  
7 with recommended changes to the new assurance statement.  
8 asked each of the associate deputy directors for East,  
9 and Navajo to provide me names of representatives from  
10 grant schools to come and sit down with us so we could sit  
11 down and talk about and develop recommended assurances for  
12 tribally-controlled schools.

13           Of course, the objective of the focus group  
14 to review and recommend final draft grant assurances to be  
15 presented at consultation, and that's what we're going to  
16 showing you.

17           The associate deputy directors initially  
18 submitted to me 13 names, so we sent out invitations to  
19 the representatives that were nominated or recommended by  
20 ADDs. And the days that we met on March 6th and 7th in  
21 Albuquerque, I had seven folks show up out of the 13. And  
22 these -- this was the group that took a look at the  
23 statements, and we're going to be showing you that.

24           And here are the list of names of folks that  
25 on the focus group to help us develop the draft. We had

1 Shirley Gross out of the Pierre Indian Learning Center in  
2 South Dakota; we had Greg Anderson from Eufaula Dormitory,  
3 Oklahoma; we had Ray Lorton, Chief Leschi School in  
4 Washington; we had Matthew Tso, Navajo Nation, out of  
5 Rock, Arizona; we had Patty LeBlanc from the Chitimacha  
6 in Louisiana; Peggy Gaddy, Chitimacha; Dr. Sherry Johnson  
7 Enemy Swim Day School in South Dakota. And that was the  
8 that we met with to come up with the assurance statements.

9           And I don't want to put anybody to sleep,  
10 have to walk through the assurances, and this is actually  
11 language that we put into the draft assurance statement  
12 we'd like for tribally-controlled schools to sign upon  
13 of their funds.

14           And first of all, it just says that the  
15 has a legal authority to apply for federal assistance and  
16 the institutional, managerial and financial capability to  
17 ensure planning, management and completion of the program  
18 activities for which the funding is provided. Now,  
19 most of the grant schools already have this in place, but  
20 occasionally, we do have a grant school that may have it  
21 place, but doesn't necessarily follow it or needs to  
22 on their system.

23           Assurance Number 2: That the grantees will  
24 the awarding agency, the Comptroller General of the United  
25 States, and if appropriate, the tribal governing body

1 an authorized representative, access to and the right to  
2 examine all records, books, papers or documents related to  
3 award.

4           One of the things that we've been told  
5 some of the consultations is that BIE has not been doing  
6 job because we don't go out and monitor the grants. There  
7 certain sections of Public Law 93-638 that applies to  
8 Law 100-297 grants. One of them is this section, that  
9 the Bureau to come in to take a look at the program  
10 and the financial data of the school. So that's the  
11 that it's in as Assurance Statement Number 2.

12           Number 3: Will establish a proper  
13 system in accordance with generally accepted accounting  
14 standards. Okay. That's pretty straightforward.

15           Will establish safeguards to prohibit  
16 appointed or elected officials from using their positions  
17 a purpose that constitutes personal or organizational  
18 of interest or personal gain.

19           For the most part, tribally-controlled  
20 adhere and provide the services that they're supposed to.  
21 We've had in the recent past a number of officials who sat  
22 a school board that misused their authority and received  
23 kickbacks at one of our grant schools. And three of the  
24 four -- three of the five school board members are now  
25 time in jail. So, I mean, these are federal dollars

1 specifically allocated to educate our children. And we've  
2 to do that.

3 Assurance Statement Number 5: Will comply,  
4 applicable, with provisions of the Hatch Act, which limit  
5 political activities of employees whose principal  
6 activities are funded in whole or in part with federal

7 Now, we know that there are tribal officials  
8 that need to lobby for funds, need to get engaged in other  
9 political activities. This particular statement says you  
10 to limit the use of these dollars to do those kinds of  
11 activities. Okay.

12 Assurance Statement Number 6: Will comply  
13 any applicable tribal, state and federal environmental  
14 and safety standards which may be prescribed pursuant to  
15 following. And I'm not going to read all of the laws, but  
16 essentially, suffice it to say, that any environmental law  
17 that applies to our schools, we need to comply with to  
18 the safety of the students that are attending our schools.

19 And this one is just a continuation, again,  
20 a number of statutes and laws that apply to environmental  
21 issues. Then it's just a continuation of the EPA statutes  
22 that apply; clean air, safe drinking water, and then  
23 protection of endangered species, and then complying with  
24 Lead-Based Poisoning Prevention Act, just all of those  
25 statutes that we're required to adhere to.

1                   And then Assurance Number 7: As I've  
2 we've had some major issues with some EPA noncompliances  
3 deficiencies within our school systems. So number 7  
4 Will allow an inspection for environmental and safety  
5 compliance.

6                   Now, if you're in a BIA-owned facility, then  
7 need to comply and work directly with the Bureau. We're  
8 trying to look out for your interests, as well as ours, to  
9 make sure that we're all compliant.

10                  If you're a grantee and you own title to  
11 facilities, then you as a tribe, will deal directly with  
12 on all noncompliances that are found in your school  
13 facilities. But if your facility's owned by BIA, then we  
14 work with you to try to get those deficiencies fixed.

15                  Number 8: Will comply with Section 106 of  
16 National Historic Prevention Act -- Preservation Act of  
17 and the Archaeological and Historic Preservation Act of  
18 Anytime that you're going to add on to a building,  
19 new building, we have to adhere to these laws.

20                  Assurance Statement Number 9: Will comply  
21 existing federal laws pertaining to background  
22 to include Public Law 101-630, the Indian Child Protection  
23 Family Violence Prevention Act, and Public Law 101-647,  
24 Crime Control Act of 1990. Both of these statutes require  
25 that when you're employing staff in your schools, you have



1 to conduct a background investigation on them.

2                   And then the 101-630 also requires that you  
3 report any allegations of child abuse to the proper  
4 authorities. And, you know, unfortunately, in some of our  
5 grant schools, there's a -- some child abuse that's going  
6 and we need to do what we can to make sure that we're  
7 protecting our students that are attending our schools.

8                   And then Number 10: Will comply with the  
9 required financial and compliance audits in accordance  
10 the Single Audit Act Amendments and OMB Circular A-133.  
11 this is also actually contained in the No Child Left  
12 statute, that you do an annual audit of your operations at  
13 your location.

14                   And then Number 11: Here is just a slight  
15 change that we're all -- there's two Number 11s that we're  
16 going to show you. This was the one that was agreed to by  
17 focus group, and it states, will comply with all  
18 requirements of all federal laws and regulations, and if  
19 applicable, tribal laws and regulations governing this  
20 program.

21                   Now, since the focus group met, apparently,  
22 there was some communication that came down from the  
23 Department of Ed, and the Department of Ed wanted us also  
24 present this language to Number 11. And included in red  
25 what the Department of Ed wanted us to add, which is

1 the Elementary and Secondary Education Act and Individuals  
2 with Disabilities Education Act, IDEA. The rest of the  
3 language, it's the same as what the focus group put in.

4 The -- I think the intent of the language  
5 the focus put together was all inclusive of all statutes,  
6 including ESEA & IDEA. And we'd like to get some feedback  
7 from you in terms of whether we need to spell out IDEA and  
8 ESEA or leave it as the focus group have put it, which is  
9 applicable requirements of federal law and regulation.

10 And that's it. We've shortened the -- and  
11 there's three copies out there. One was the original one,  
12 was two pages long. So we've cut down the assurance  
13 from a two-pager to a one-pager with the 11 assurance  
14 statements on it.

15 And I know we went through this fairly  
16 but are there any questions or comments on the assurance  
17 statement?

18 MR. TIPPECONNIE: You made one comment over  
19 where it -- I think it was the -- gaining some advantage  
20 you personally or whatnot, and you're saying that -- in  
21 political area, you know, using the funds. You sort of  
22 implied to my head that we should limit, when, really, we  
23 shouldn't even do it, right? It should be totally  
24 restrictive.

25 MR. TALAYUMPTTEWA: Right. I mean, these

1 you know, really are provided to operate the school and  
2 provide education to children, and we really should be  
3 those funds to do that, yes.

4 MR. TIPPECONNIE: Yeah. So I think -- I  
5 the wording should be something like it's restricted or,  
6 know, there's a point of limit. Anyway, you could make  
7 you just don't do it.

8 MR. TALAYUMPTEWA: Okay.

9 MR. TIPPECONNIE: Then there's the one that  
10 you're asking about in 11. You know, what's the criteria  
11 what's the benchmark of what's applicable, because you can  
12 have the whole array, you're saying, inclusive of all the  
13 federal laws as applicable.

14 MR. TALAYUMPTEWA: Right.

15 MR. TIPPECONNIE: So that, you know, people  
16 come forward and say, they all apply, you know, the tons  
17 laws --

18 MR. TALAYUMPTEWA: Uh-huh.

19 MR. TIPPECONNIE: -- when, really, it seems  
20 there should be something there that's relative to  
21 or something, and maybe you imply that, you know. But it  
22 seems to me you're opening it up -- the other point that  
23 across to me, if it's on the trust lands or Indian lands,  
24 know, what are we yielding in the sense of sovereignty if  
25 say we're going to be applicable to every law?

1 MR. TALAYUMPTWEA: The real intent of Number  
2 was those laws that apply to that particular grant and the  
3 operation of that grant. And maybe we do need to look at  
4 language to add just a little bit more language to say  
5 something like that. Because you've got education laws  
6 statutes, regulations and then you've got environmental  
7 issues, then you've got the child prevention acts. I  
8 there's several acts and laws that do apply.

9 MR. TIPPECONNIE: And you cited those, see?

10 MR. TALAYUMPTWEA: Right. Okay. And I'll  
11 a look at Number 11, sure. Thank you very much. We'll do

12 Anybody else? I know it's late, but come  
13 wake up. I'm just kidding. We got a mike for this  
14 Where did they go?

15 MR. GERMANY: David Germany, Mississippi  
16 Choctaw.

17 We're getting you a letter, including some  
18 our thoughts on the other things we talked about this  
19 but this seems like the grant conditions coming around,  
20 know, through assurances, and we're real unhappy with the  
21 whole set. Already we're uncomfortable, but especially  
22 these EPA assurances and with the No Child Left Behind  
23 assurances.

24 We're doing all that. We have good schools.  
25 meet our AYP standards. We're accredited by the State.

1 accredited by the Southern Association of Colleges and  
2 Schools. We have outstanding schools that we're very  
3 of. We're not trying to get away with anything, but we do  
4 this as a sovereignty issue, especially with the schools,  
5 we're going to fight this one. We don't like this a bit.

6 MR. TALAYUMPTEWA: Okay. And that's fine.  
7 I ask you a question?

8 MR. GERMANY: Sure.

9 MR. TALAYUMPTEWA: As I indicated a little  
10 earlier, you know, with the limited resources we now have

11 MR. GERMANY: Yeah.

12 MR. TALAYUMPTEWA: -- OMB coming to BIE,  
13 them, what are you doing to hold these grant school  
14 accountable? How would you recommend we respond to OMB?

15 MR. GERMANY: That those grant schools are  
16 run by sovereign nations and they are doing what they do  
17 we have to trust them and believe that they know what's  
18 for their kids and they're doing what's best for their  
19 I'm sorry, but we -- anything else I say is going to take  
20 down another road.

21 MR. TIPPECONNIE: Yeah, protect the

22 MR. TALAYUMPTEWA: Well, I mean, you know, I  
23 don't think there's a question that the Director has to  
24 with OMB.

25 MR. GERMANY: Yes.

1 MR. TALAYUMPTTEWA: And, you know, try to  
2 funding and, you know, when he's asked, well, then tell me  
3 show me how you're holding these schools accountable, then  
4 we're going to have to respond in the way, you know, that  
5 have to respond and -- but that's fine. I really thank  
6 for your input.

7 MR. GERMANY: See, to us, this is finally  
8 it's just one more step towards the national BIE  
9 and national BIE control of the schools completely, and we  
10 just -- we just are resistant. We think we're doing a  
11 job, and we don't feel like Albuquerque needs to tell us  
12 to do it.

13 MR. TALAYUMPTTEWA: Is there -- is there some  
14 that -- you know, if you're opposed to the assurance  
15 statement, would you recommend a way to submit to the  
16 annually maybe a certification that, you know, you're  
17 performing at a level or -- I mean, something. Would you  
18 opposed to that or not?

19 MR. GERMANY: No, we're not opposed to being  
20 accountable for what we're doing, we're really not. But  
21 seems like, you know, conditions of the grant when it  
22 assurances and things, and we feel like we should be able  
23 to -- you know, that that grant money is the tribe's

24 MR. TALAYUMPTTEWA: Okay. All right. Thank  
25 Yeah, right here.

1                   MR. TIPPECONNIE: I'd say, you know, to OMB,  
2 want to be sure you're doing something with, you know, the  
3 standard accounting principles, things like that, and  
4 yes, you subscribe to safety and the welfare of the  
5 you know, in the -- in the place.

6                   It seems like you can have some wording like  
7 that, rather than -- you know, my concern, too, is that  
8 yielding sovereignty. You know, we have taken -- that's  
9 taken away too regularly by acts and activities. In this  
10 case, we'd be yielding it, you know, if we go through all  
11 these assurances.

12                   Seems to me there's something less, because  
13 wants to say, well, you're going to get this dollar, you  
14 are you accountable for it, are you performing smartly  
15 it, rather than going through all this litany or array of  
16 assurances. Because, again, I get in trouble when you --  
17 like, I made the comment about the law -- all applicable  
18 you know.

19                   MR. TALAYUMPTTEWA: Yeah, sure.

20                   MR. TIPPECONNIE: Because they want to  
21 that constantly. And then laws do occur in midnight hours  
22 the Congress, and the first thing, they've taken away  
23 something again. So I -- I think we have to be really on  
24 guard all the time.

25                   MR. TALAYUMPTTEWA: Absolutely. Absolutely.

1 And, of course, this in no way is intended to reduce or  
2 adversely impact any sovereignty of any tribe. And, you  
3 would you be opposed to another statement that says  
4 that; that, you know, these assurances in absolutely no  
5 impinge on sovereignty of tribes and applies only to this  
6 particular grant? I mean, would you be open to something  
7 that to make sure that we do not impinge on or even imply  
8 there's any issues with regard to messing with your  
9 sovereignty, and would you be open to that?

10 MR. TIPPECONNIE: Well, again, my thoughts  
11 here -- and I'd like to hear -- my thoughts, again, you  
12 are you spending these in the -- in the conformance, so to  
13 speak, of the grant? What's the intent of the grant? Are  
14 performing in those principles or under that -- those  
15 Then are you doing accounting? You know, are you doing  
16 auditing?

17 MR. TALAYUMPTEWA: Sure.

18 MR. TIPPECONNIE: You know, those kind of  
19 things, I think, are the things that you want to -- we  
20 be saying yes, and we're using the money smartly and not  
21 political campaign kind of stuff, which we were talking  
22 the hatching of it. You know, it seems to me it can have  
23 shorter verbiage which is applicable to other grants. I  
24 how many grants are you going to write all these assurance  
25 statements for? You don't do that.



1           In fact, I can think of some grants, they  
2 them to us as a nation and we have such latitude. I  
3 even believe that. I looked at one of the grants  
4 and they said, oh, you have all the flexibility at the  
5 once it's in your hands, to use it for different purposes.  
6 But at the same time, you want to say, you're expending  
7 dollar, you know, under accounting principles or  
8 accountability. You know, it's not misused for whatever.

9           MR. TALAYUMPTEWA: Sure.

10          MR. DRAPEAUX: Brian Drapeaux with the BIE.

11           I'd just like to say, just so you understand  
12 some of the challenges that we have from the managerial  
13 perspective, to kind of give you a global vision of the  
14 and what we see. In our operations, we have schools that  
15 fund through this process that David outlined that have  
16 savings of over \$10 million in the bank. And then we have  
17 schools on the other side that owe the federal government  
18 a series of years up to \$7 million in money that they have  
19 pay back.

20           Both of those situations are problems.  
21 management problems. And so -- and then when you -- when  
22 correlate the money and you correlate the management  
23 challenges and then you take a look at overall student  
24 achievement, what you find is that in some instances, we  
25 schools saving a lot of money that they think is smart and

1 good, you have schools misspending a lot of money, which  
2 think is necessary and need the flexibility that they want  
3 have, but then we continue to see our student achievement  
4 stagnate or decline.

5           And so I think the Director has a fairly  
6 philosophy, which is all things education should be spent  
7 education, and that when that's not happening, then you  
8 with these management red flag issues that happen.  
9 Ultimately, what's not impacted is student achievement.

10           And so as we have come into this  
11 and taken a look at the BIE and how we move forward, one  
12 the challenges that we have when we look at the movement  
13 the nation in terms of its -- of its finances, when you  
14 at the politics of the money, what you start realizing is  
15 is the money perhaps shrinks.

16           On the federal side, the -- what's  
17 happening is that there's a greater cry for  
18 and what does accountability look like and what does that  
19 mean? And so we're trying to work hard to understand all  
20 nuances of that and also to help our schools and the folks  
21 that we fund to move to a position where they are  
22 self-correcting.

23           We think that these types of discussions are  
24 valuable and good because what we've seen by raising these  
25 types of issues is that schools have taken them as kind of

1 tickler to self-assess, right, and have sent messages to  
2 staff that we -- these are the kind of conversations that  
3 need to have. They are critical conversations in terms of  
4 we, in Indian Country, do our business and how well we do  
5 and to which the guidelines of which we do them. So it's  
6 gravely important.

7           On the issue of the EPA component, the  
8 Indian Education is kind of a unique entity in that we  
9 own any of the buildings we sit in, right? They belong on  
10 rolls of the Bureau of Indian Affairs. We just occupy  
11 So any new schools, dormitories and so on, we just occupy  
12 those facilities. The ownership, per se, falls to the  
13 The challenge with that structure is we have to adhere to  
14 rules of environmental soundness in terms of how we manage  
15 those facilities.

16           The EPA, over a period of three to five  
17 have been doing site visits to a number of schools and  
18 facilities around the country, including BIE schools,  
19 they were grant schools or BIE-operated schools or other  
20 schools. What ended up happening is that they asked the  
21 schools -- they notified the schools of their findings.

22           They would go back after a certain period,  
23 findings were not dealt with. And so, as a last resort,  
24 held the BIE ultimately responsible for the findings and  
25 threatened to fine us up to a million dollars a day and

1 us ultimately 90 days to work with all of our schools and  
2 staff to make corrections of the findings. School by  
3 line by line, issue by issue, they wanted them all

4                   And we have some big issues. We have some  
5 really, really large issues, issues that we're not  
6 for, but we have to put together working plans to address.  
7 And so I can announce proudly that within 90 days, we had  
8 every issue resolved to the satisfaction of EPA. The EPA  
9 currently, in this -- in this quarter, is out doing site  
10 visits, site reviews.

11                   I just met with the Solicitor's Office  
12 yesterday -- or the day before, Tuesday, and she went  
13 and showed me examples of the types of reviews that  
14 doing, but they're -- but they're continuing to look at  
15 issues that are highlighted. We're not out of the danger  
16 yet. But to get to the issue that was brought up in the  
17 concern, these are not new issues. These have been issues  
18 that have been around for a long time, issues that schools  
19 have been notified of and that no action had been taken to  
20 correct.

21                   And so the only response by EPA was to then  
22 very harsh with us. We don't want that to happen anymore.  
23 And so the language that we're proposing, as far as the  
24 settlement is concerned, is language that we're willing to  
25 obviously compromise on and find some way, but we want

1 everyone to be aware of the challenges that we'll have.  
2 the fines come, schools will be injured, because we'll  
3 take money out of existing line items because it won't  
4 under a settlement to pay fines for mismanagement at the  
5 level, and so that means that any school that we fund  
6 damaged by that.

7           And so trying to find a way to highlight  
8 everybody is a challenge. Obviously, not everybody's  
9 agree, and we respect that, but we're looking for specific  
10 language, language that people can live with as you look  
11 the grant assurances going forward. And in some places,  
12 know, there's a general belief that these grant assurances  
13 shouldn't even exist. You know, give us the money and get  
14 of the way. I've heard that literally, almost a quote.

15           And -- but we do know that later this month,  
16 will meet with OMB again, and we've met with them three  
17 in this last year, and there's a big push for  
18 I think that that's -- that should be, you know, a red  
19 for all of us, because we're all in this together and we  
20 to find a way to address the issues in terms of  
21 accountability; try to identify what that looks like, how  
22 people are measuring and so on and so forth, but then  
23 ultimately be prepared to act, you know, together because  
24 that's the kind of effort it's going to take.

25           So I just wanted to touch on those two

1 just to kind of give you a more global approach of some of  
2 issues that we're facing at the BIE and really why we're  
3 bringing these types of issues forward for your

4 MR. TIPPECONNIE: What it sort of says to me  
5 is -- what I'm just hearing from you saying -- what it  
6 me is sort of like the trust matter in the reform, you

7 MR. DRAPEAUX: Right.

8 MR. TIPPECONNIE: Is that it's -- yes, we  
9 accountability and we should have that and we should be  
10 performing, but it seems like it's just been lax in any  
11 of oversight. You know, there's different levels of  
12 to effect, you know, proper management of the -- of the  
13 or the monies and not overspend, not set it aside.

14 You know, it seems to me that's an internal  
15 don't know if I can use internal -- it's outside the scope  
16 somewhat of these kind of assurances. Should be an  
17 management procedure, process and oversight. You know,  
18 want to have that in place. And it seems to me that's all  
19 very weak. So, consequently, EPA or others will step in  
20 say, you don't live Historic Preservation or you don't  
21 you know, all these environmental laws or whatnot.

22 It seems like you can get so constrained by  
23 that, when you really need to be -- we all, I guess, need  
24 be looking at the management systems that are in place.  
25 know, there's three parties here that have some oversight

1 then there's all these line officers, you know, and then  
2 school boards and all this group of everyone. It seems to  
3 that it needs to be demonstrated that that gets in place  
4 that becomes very functional and operational. And then  
5 can live with less wording to show OMB that you're living  
6 under the terms of the grant and, yes, the school is safe,  
7 these children are safe, the achievement is well for the  
8 student.

9                   You know, I think it's a two-headed thing  
10 think you need to -- it seems to me, obviously, it's all  
11 within the management system.

12                   MR. DRAPEAUX: Right. And I would agree in  
13 we also have to balance the one issue that's always  
14 which is sovereignty. You know, how -- what big of a role  
15 should we play? And it varies from location to location  
16 philosophy to philosophy.

17                   It's hard to set policy and procedure with  
18 that -- with that looming, but it's something that we  
19 do and we're working towards, and this is one of the steps  
20 that -- we agree with you, that these -- that these levels  
21 responsibility need to assume their levels of

22                   If school boards and superintendents are  
23 what they need to do and they're making the corrections  
24 they get the notification, there's no need for any of  
25 quite frankly, but that didn't happen and it hasn't

1 And so in order to ratchet up the level of accountability  
2 it's been ratcheted up on us, that's for sure -- we have  
3 ratchet it up at other places in the organization.

4 But we agree wholeheartedly with you, a  
5 sense of accountability, a stronger sense of ownership is  
6 needed in the area of Indian education.

7 MR. TALAYUMPTEWA: Just a couple of comments  
8 based on Brian and Robert.

9 You know, I mentioned a little earlier today  
10 that the Director really wants to reach out and form  
11 partnerships with tribes in educating Indian children that  
12 attending our BIE-funded schools. And the bottom line on  
13 these assurance statements is impacting the students that  
14 in our systems. And, you know, we -- I recognize the  
15 sovereignty issue, I really do.

16 And, obviously, the Director does not  
17 nor neither any of us, intending to adversely impact your  
18 sovereignty as tribal nations out there. We really  
19 that. At the same time, what could work in terms of all  
20 coming together for the sake of accountability in  
21 these tribally-controlled schools that we do operate?

22 Because we certainly don't want to step on  
23 sovereignty. But at the same time, you know, we do have  
24 look out for those students that are attending our schools  
25 look at how we can work together from the federal side and



1 tribal side to make it work for all of us and -- but more  
2 importantly, for the students that we serve.

3                   You know, what can we do to make that work?  
4 I guess maybe that's -- the gentleman in the back and  
5 maybe you could give us some more focus on what we can be  
6 to do.

7                   MR. GERMANY: All right. I don't understand  
8 where 11 came from. We were having to do all that anyway.  
9 mean, the whole thing about the ESEA and the IDEA, we were  
10 having to do all that anyway. That's part of being a  
11 system and getting federal money. We don't understand why  
12 has to be here. But that one's an instructional  
13 infringement kind of thing. You know why it has to be  
14 We're doing that.

15                   But the EPA thing, if the tribe owns the  
16 buildings anyway, we're going to have to be dealing with  
17 EPA ourselves.

18                   MR. TALAYUMPTEWA: Right.

19                   MR. GERMANY: You said that a while ago.  
20 does that have to be an assurance? I mean, because we're  
21 going to have to do it anyway. And that's what the other  
22 is, we're going to be -- as I said, we're doing it. We're  
23 going to have to do it. We just don't like the idea of  
24 assurance -- in the grant assurances.

25                   MR. TALAYUMPTEWA: Sure. And certainly

1 we have both facilities owned by BIA and facilities owned  
2 tribe, certainly we can put language in there which  
3 those facilities that are owned by tribes, you know, to be  
4 exempt from these assurances in terms of EPA.

5                   Now, that does not release that particular  
6 grantee from having to deal with EPA, but for our  
7 I'd be happy to make those -- make that language revision.  
8 And, you know, whatever is going to work for all of us is  
9 I'm looking for and -- you know, and maybe you can -- we  
10 sit down and talk about, you know, some of these revisions  
11 that needs to be made and include Robert and whoever else  
12 interested, you know, in doing that. Certainly, we're  
13 to do that, and that's why we're presenting it to you.

14                   MR. GERMANY: That right there should fix it  
15 some people.

16                   MR. TALAYUMPTEWA: Okay. All right. I'm  
17 to make those changes. Thank you.

18                   Okay. Anybody else?

19                   MR. TIPPECONNIE: Again, I would say, when I  
20 look at these assurances, like 1, 2 and 3, you know, are  
21 pretty sound. You know, your records are going to be  
22 available. You know, you get into the management systems,  
23 get into the accounting principles, and you live with

24                   And then, of course, you're going to apply  
25 measures which keeps the place safe, you know, and all

1 without going all the detail of every historic or every  
2 federal law. Maybe that can be summarized more like in a  
3 a 5 or, you know, rather than going all down --

4 MR. TALAYUMPTEWA: Just a general statement

5 MR. TIPPECONNIE: Yes. Yes.

6 MR. TALAYUMPTEWA: -- to include all  
7 environmental laws?

8 MR. TIPPECONNIE: Or all laws that are  
9 to operations of an educational institution or facility or  
10 something like that. You know, and I would constrain it  
11 those things. But also knowing that, if it's like the  
12 you know, we all -- we would know that we have to live to  
13 certain standards. We're not going to put people in  
14 way.

15 MR. TALAYUMPTEWA: Absolutely. Absolutely.

16 MR. TIPPECONNIE: And then, at the same  
17 what's happening, the tribes are being challenged on all  
18 sides, too, not just in this area by, you know, OMB and  
19 questions of all of this. You know, it's all the way

20 MR. TALAYUMPTEWA: Yeah.

21 MR. TIPPECONNIE: We're operating with more  
22 understanding we have to be smart about whatever we do.  
23 think you can abbreviate it. You can get that more into  
24 lessen all these others.

25 MR. TALAYUMPTEWA: You said Provision Number

1 6 -- or Assurance Number 6, is that the one you're talking  
2 or --

3 MR. TIPPECONNIE: Well, I'm saying that, you  
4 know, 1, 2, 3 are good.

5 MR. TALAYUMPTEWA: Right.

6 MR. TIPPECONNIE: And then 4, you know,  
7 going to safeguard. But I think when you get to 6, 7, 8,  
8 you know, they're all talking about these different places  
9 federal law --

10 MR. TALAYUMPTEWA: Right.

11 MR. TIPPECONNIE: -- Historic Preservation,  
12 Section 106, you know, EPA, all -- floodplain, all that  
13 of thing. I don't think you need to cite all that as much  
14 to say in one statement that -- you know, where federal  
15 applies to the educational facility, institution or  
16 that the appropriate laws will -- you know, they'll be in  
17 compliance with the appropriate laws.

18 MR. TALAYUMPTEWA: Yeah. Okay. Certainly.  
19 Now, what does that do to Number 11? Just your  
20 recommendation.

21 MR. TIPPECONNIE: I'd say, again, the way  
22 talking, you eliminate that. I mean, this is all into  
23 If you're following me, you know, there's --

24 MR. TALAYUMPTEWA: I -- I do.

25 MR. TIPPECONNIE: Yeah.

1 MR. TALAYUMPTEWA: All right. Okay. Thank  
2 very much.

3 Anybody else? It's been very, very good  
4 recommendations. Thank you. Appreciate it.

5 If there's nobody else who wants to make a  
6 comment or has a question, I do thank you very much for  
7 sticking out -- sticking it out for this afternoon on the  
8 assurance statements, and I think that will wrap at least  
9 assurance statements up for now. And I'm not sure what we  
10 have.

11 Are we done?

12 MR. DRAPEAUX: Just announce that they're --  
13 long they have open to make comment if they think of

14 MR. TALAYUMPTEWA: Okay. And as presented  
15 morning, I believe you have till June 2nd to get written  
16 comments in to the website that was given to you this

17 Thank you so much for coming. Have a safe  
18 home.

19 (Conclusion at 4:09 p.m. of Volume 2, May  
20 2012.)

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1 C E R T I F I C A T E

2 I, LISA A. TRASLAVINA-KERR, Certified Shorthand  
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<p style="text-align: center;"><u>        </u> \$</p> <p><b>\$1.3</b> 13:19</p> <p><b>\$10</b> 65:16</p> <p><b>\$11,817,000</b> 8:16</p> <p><b>\$14</b> 8:23</p> <p><b>\$15,288,000</b> 8:15</p> <p><b>\$18,974,000</b> 8:14</p> <p><b>\$19,164,000</b> 8:12</p> <p><b>\$200</b> 45:1</p> <p><b>\$3</b> 3:21 4:3,9,22 8:3 9:6,10,17,20 13:20 17:1,11 22:2 32:18 40:19</p> <p><b>\$389,358,000</b> 13:10,16</p> <p><b>\$390,361,000</b> 13:8</p> <p><b>\$390,707,000</b> 13:9</p> <p><b>\$4.4</b> 13:12</p> <p><b>\$4.5</b> 11:18</p> <p><b>\$50</b> 45:2</p> <p><b>\$7</b> 65:18</p> <p style="text-align: center;"><u>        </u> 1</p> <p><b>1</b> 7:10 17:23 24:18 41:21 49:16,17 50:25 74:20 76:4</p> <p><b>1,839</b> 38:9</p> <p><b>1:38</b> 1:10</p> <p><b>10</b> 1:6 16:25 17:14 57:8 77:19</p> <p><b>100-297</b> 48:7,22 49:12,19 50:18 54:8</p> <p><b>101-630</b> 56:22 57:2</p> <p><b>101-647</b> 56:23</p> <p><b>106</b> 56:15 76:12</p> <p><b>107-110</b> 52:2</p> <p><b>11</b> 17:10,14 57:14,24 58:13 59:10 60:1,11</p>	<p>73:8 76:19</p> <p><b>11s</b> 57:15</p> <p><b>12</b> 17:10,14 38:12 41:25 42:15 43:1</p> <p><b>12,000</b> 37:13,24</p> <p><b>12/31/13</b> 78:16</p> <p><b>121</b> 7:23</p> <p><b>13</b> 4:6 5:1 13:16 16:25 38:8 52:18,21</p> <p><b>1821</b> 78:17</p> <p><b>183</b> 7:16</p> <p><b>19</b> 7:13 17:23</p> <p><b>1929</b> 78:15</p> <p><b>1966</b> 56:16</p> <p><b>1970</b> 39:14</p> <p><b>1974</b> 56:17</p> <p><b>1975</b> 48:10</p> <p><b>1988</b> 48:8,21</p> <p><b>1990</b> 56:24</p> <p style="text-align: center;"><u>        </u> 2</p> <p><b>2</b> 1:8 25:11 41:24 53:23 54:11 74:20 76:4 77:19</p> <p><b>2,000</b> 37:15 38:24</p> <p><b>2.8</b> 24:22</p> <p><b>20036</b> 78:17</p> <p><b>2004</b> 11:5</p> <p><b>2006</b> 6:8</p> <p><b>2010</b> 24:21</p> <p><b>2011</b> 13:6,7 47:23</p> <p><b>2012</b> 1:6 13:5,8 40:5 47:23 77:20 78:12</p> <p><b>2013</b> 9:23 12:20 13:2,9 47:19,24</p> <p><b>202)857-3376</b> 78:18</p> <p><b>202)857-8577</b></p>	<p>78:19</p> <p><b>20-minute</b> 47:4</p> <p><b>22</b> 5:7 7:16</p> <p><b>23</b> 6:16 9:15</p> <p><b>238</b> 6:20</p> <p><b>24</b> 6:21</p> <p><b>242,000</b> 25:7</p> <p><b>2nd</b> 77:15</p> <p style="text-align: center;"><u>        </u> 3</p> <p><b>3</b> 22:7 28:24 42:3 46:16 54:12 74:20 76:4</p> <p><b>3,000</b> 39:15</p> <p><b>32</b> 7:8</p> <p><b>323,000</b> 24:25</p> <p><b>33</b> 7:9</p> <p><b>35</b> 7:14</p> <p><b>38</b> 24:24</p> <p><b>3rd</b> 78:17</p> <p style="text-align: center;"><u>        </u> 4</p> <p><b>4</b> 7:24 22:7 75:2 76:6</p> <p><b>4:09</b> 77:19</p> <p><b>41,000</b> 4:18 6:19</p> <p><b>4216</b> 1:13</p> <p><b>424</b> 50:17</p> <p><b>43</b> 9:9,17</p> <p><b>4575</b> 78:15</p> <p><b>49th</b> 38:18</p> <p style="text-align: center;"><u>        </u> 5</p> <p><b>5</b> 22:7 47:5 55:3 75:3</p> <p><b>5,000</b> 25:3</p> <p><b>50</b> 7:23</p> <p><b>500</b> 46:9</p> <p><b>500,000</b> 25:3 27:4 29:13,14</p>	<p><b>500-student</b> 46:8</p> <p><b>53</b> 7:3</p> <p><b>54</b> 7:13</p> <p><b>58</b> 8:1</p> <p style="text-align: center;"><u>        </u> 6</p> <p><b>6</b> 7:8 55:12 76:1,7</p> <p><b>638</b> 49:8,10</p> <p><b>64</b> 6:20 7:2</p> <p><b>66</b> 7:8 25:23</p> <p><b>68</b> 37:14</p> <p><b>69/75</b> 1:13</p> <p><b>6th</b> 52:20</p> <p style="text-align: center;"><u>        </u> 7</p> <p><b>7</b> 7:13 11:18 12:2,13,14 56:1,3 76:7</p> <p><b>7,000</b> 25:23</p> <p><b>74701</b> 1:14</p> <p><b>790,000</b> 24:23</p> <p><b>7th</b> 52:20</p> <p style="text-align: center;"><u>        </u> 8</p> <p><b>8</b> 7:3 56:15 76:7</p> <p><b>80</b> 49:16</p> <p><b>80,000</b> 25:8</p> <p style="text-align: center;"><u>        </u> 9</p> <p><b>9</b> 7:2 56:20 76:7</p> <p><b>90</b> 68:1,7</p> <p><b>93-638</b> 7:5,10,15,24 48:8,10,14,17 54:7</p> <p style="text-align: center;"><u>        </u> A</p> <p><b>A.J</b> 46:1</p> <p><b>A-133</b> 57:10</p> <p><b>abbreviate</b> 75:23</p> <p><b>able</b> 17:25 23:23</p>
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<p>31:8 32:13 46:12 48:24 62:22 73:5</p> <p><b>above-entitled</b> 78:5</p> <p><b>absolutely</b> 63:25 64:4 75:15</p> <p><b>abuse</b> 26:5 57:3,5</p> <p><b>academic</b> 39:20 42:9</p> <p><b>Academy</b> 24:5</p> <p><b>accepted</b> 54:13</p> <p><b>access</b> 38:11,13,16 54:1</p> <p><b>accessed</b> 43:2</p> <p><b>accessible</b> 14:18</p> <p><b>accommodate</b> 37:3</p> <p><b>accompanies</b> 50:23</p> <p><b>accomplishment</b> 18:13</p> <p><b>accordance</b> 54:13 57:9</p> <p><b>accountability</b> 6:13 11:7 17:21 30:24 31:4,9 48:4,6 50:12 65:8 66:17,18 69:17,21 70:9 72:1,5,20</p> <p><b>accountable</b> 49:22 61:14 62:3,20 63:14</p> <p><b>accounting</b> 54:12,13 63:3 64:15 65:7 74:23</p> <p><b>accreditation</b> 42:11,12</p> <p><b>accredited</b> 60:25 61:1</p> <p><b>achieve</b> 27:17 29:17</p> <p><b>achieved</b> 40:21</p>	<p>44:20</p> <p><b>achievement</b> 23:8 25:17 41:3 43:1 65:24 66:3,9 71:7</p> <p><b>achieving</b> 27:24</p> <p><b>across</b> 20:12 35:1 36:12 59:23</p> <p><b>act</b> 48:9,23 51:25 52:1 55:4,24 56:16,17,23,24 57:10 58:1,2 69:23</p> <p><b>action</b> 68:19 78:7,10</p> <p><b>actions</b> 28:9</p> <p><b>active</b> 33:25</p> <p><b>activities</b> 34:1 53:18 54:9 55:5,6,9,11 63:9</p> <p><b>activity</b> 76:15</p> <p><b>acts</b> 60:7,8 63:9</p> <p><b>actual</b> 4:25 13:7</p> <p><b>actually</b> 4:6,23,25 6:8 14:15 17:19 22:25 23:13,14 30:14 31:3,25 35:2 36:5 49:24 50:17 53:10 57:11</p> <p><b>add</b> 3:7,9 5:11 14:20 15:21 16:8 56:18 57:25 60:4</p> <p><b>addition</b> 32:2</p> <p><b>address</b> 26:5,8 28:11 40:6,9 68:6 69:20</p> <p><b>addressed</b> 26:15 39:10</p> <p><b>ADDs</b> 52:20</p> <p><b>adhere</b> 54:20 55:25 56:19 67:13</p>	<p><b>adherence</b> 51:24</p> <p><b>adjusted</b> 17:7</p> <p><b>adjustment</b> 17:10,12,16,17</p> <p><b>administer</b> 22:17,18</p> <p><b>administration</b> 2:4 3:13 4:1 8:24 17:22 35:19 44:24,25 66:10</p> <p><b>administrative</b> 1:3 6:12 14:22 15:4 19:25 20:17,24 21:2,6,7 28:25 44:21 45:12</p> <p><b>administratively</b> 20:23</p> <p><b>administrator</b> 24:5</p> <p><b>administrators</b> 39:17</p> <p><b>adopt</b> 34:18 42:10</p> <p><b>adult</b> 22:20 23:14</p> <p><b>advancing</b> 41:19</p> <p><b>advantage</b> 58:19</p> <p><b>advantages</b> 21:25</p> <p><b>adversely</b> 64:2 72:17</p> <p><b>Advisor</b> 2:7</p> <p><b>advocacy</b> 43:12</p> <p><b>advocate</b> 39:19</p> <p><b>advocated</b> 42:5</p> <p><b>advocates</b> 39:22</p> <p><b>Affairs</b> 2:8 3:20 4:25 9:4 29:22 40:3 48:20 51:10,12,18 67:10</p> <p><b>affect</b> 5:16 8:8 30:12</p> <p><b>afternoon</b> 3:2,4,11 11:23 21:11 24:4</p>	<p>39:8 46:1 47:14 77:7</p> <p><b>against</b> 25:19</p> <p><b>agency</b> 15:24 40:14 41:22 53:24</p> <p><b>agenda</b> 36:25 37:3</p> <p><b>ago</b> 49:25 73:19</p> <p><b>agreed</b> 57:16</p> <p><b>agreement</b> 7:20 51:17</p> <p><b>air</b> 55:22</p> <p><b>Alaska</b> 39:16,23</p> <p><b>Albuquerque</b> 4:1 6:22 8:13,24 11:8,9 52:21 62:11</p> <p><b>allegations</b> 57:3</p> <p><b>allocated</b> 55:1</p> <p><b>allow</b> 23:25 43:24 48:15 56:4</p> <p><b>allowed</b> 48:25</p> <p><b>allowing</b> 51:13</p> <p><b>allows</b> 54:8</p> <p><b>alone</b> 8:22 25:7</p> <p><b>already</b> 32:3 46:8 53:19 60:21</p> <p><b>alternative</b> 18:2</p> <p><b>am</b> 37:11 38:21 78:6,8</p> <p><b>amendments</b> 51:1 57:10</p> <p><b>American</b> 6:2 22:24 23:2 25:7,10 37:13,19,25 39:16</p> <p><b>Americans</b> 24:22,25 26:19 39:2</p> <p><b>amidst</b> 33:17</p>
--	--	---	--



<p><b>amount</b> 4:5 13:7,8,9,15 43:3</p> <p><b>Anadarko</b> 27:21 29:4 46:4,6</p> <p><b>and/or</b> 24:19</p> <p><b>Anderson</b> 53:2</p> <p><b>announce</b> 68:7 77:12</p> <p><b>annual</b> 57:12</p> <p><b>annually</b> 49:8,13 62:16</p> <p><b>anybody</b> 26:25 30:9 39:5 45:25 46:15 53:9 60:12 74:18 77:3</p> <p><b>anymore</b> 18:18 68:22</p> <p><b>anyone</b> 36:13</p> <p><b>anything</b> 10:5 12:13 30:19 35:20 61:3,19 77:13</p> <p><b>Anytime</b> 56:18</p> <p><b>anyway</b> 15:9 18:25 19:11 59:6 73:8,10,16,21</p> <p><b>A-Plus</b> 35:1</p> <p><b>apologize</b> 16:19</p> <p><b>apparently</b> 57:21</p> <p><b>applicable</b> 55:4,13 57:17,19 58:9 59:11,13,25 63:17 64:23</p> <p><b>application</b> 49:1,3</p> <p><b>applies</b> 50:19 54:7 55:17 64:5 76:15</p> <p><b>apply</b> 53:15 55:20,22 59:16 60:2,8 74:24</p> <p><b>appointed</b> 54:16</p> <p><b>appreciate</b> 26:19 29:19 36:14</p>	<p>45:24 48:2 77:4</p> <p><b>approach</b> 70:1</p> <p><b>approaches</b> 26:4</p> <p><b>appropriate</b> 29:23 53:25 76:16,17</p> <p><b>appropriated</b> 13:7</p> <p><b>approved</b> 6:8 48:19 49:2</p> <p><b>approximately</b> 4:18 6:19 9:9 24:22 25:23</p> <p><b>April</b> 40:5</p> <p><b>Archaeological</b> 56:17</p> <p><b>Ardmore</b> 33:21</p> <p><b>area</b> 7:22 9:14 17:3,6 22:23 23:16 25:4 28:25 32:15 37:9,11,12,19,20 ,22 43:22 58:21 72:6 75:18</p> <p><b>areas</b> 10:2 20:14,15 22:8 23:6 39:2 40:6</p> <p><b>arena</b> 20:20</p> <p><b>Arizona</b> 53:5</p> <p><b>array</b> 59:12 63:15</p> <p><b>art</b> 35:2</p> <p><b>ashamed</b> 28:14</p> <p><b>aside</b> 70:13</p> <p><b>assess</b> 25:19</p> <p><b>assessment</b> 1:3 42:7,9</p> <p><b>assigned</b> 10:23</p> <p><b>assist</b> 25:21</p> <p><b>assistance</b> 15:19,20 18:3 22:21 24:20 32:17 48:9 53:15</p> <p><b>Assistant</b> 2:2,3,5,7,8 3:12</p>	<p>10:20 24:7</p> <p><b>associate</b> 5:8 6:11,12,25 7:7,12 11:13 14:13 52:8,17</p> <p><b>Association</b> 21:13 61:1</p> <p><b>assume</b> 71:21</p> <p><b>assumes</b> 40:23</p> <p><b>assurance</b> 46:18 47:6 48:3 49:25 50:1,5,13,17,23 51:2,20,21,24 52:4,6,7,22 53:8,11,23 54:11 55:3,12 56:1,20 58:12,13,16 62:14 64:24 72:13 73:20,24 76:1 77:8,9</p> <p><b>assurances</b> 47:15 50:19 52:11,14 53:10 60:20,22,23 62:22 63:11,16 64:4 69:11,12 70:16 73:24 74:4,6,20</p> <p><b>attached</b> 17:23 51:1</p> <p><b>attend</b> 5:20,22 41:8 43:20,24</p> <p><b>attendance</b> 38:14</p> <p><b>attending</b> 55:18 57:7 72:12,24</p> <p><b>attention</b> 19:21</p> <p><b>audience</b> 23:17</p> <p><b>audit</b> 57:10,12</p> <p><b>auditing</b> 64:16</p> <p><b>audits</b> 57:9</p> <p><b>authorities</b> 9:2 20:5 57:4</p> <p><b>authority</b> 53:15</p>	<p>54:22</p> <p><b>authorized</b> 54:1</p> <p><b>automated</b> 51:15</p> <p><b>available</b> 9:6 24:15 33:2 74:22</p> <p><b>average</b> 42:23,24</p> <p><b>award</b> 54:3</p> <p><b>awarding</b> 53:24</p> <p><b>aware</b> 51:5 69:1</p> <p><b>away</b> 26:11 39:25 61:3 63:9,22</p> <p><b>AYP</b> 60:25</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>background</b> 56:21 57:1</p> <p><b>balance</b> 49:18 71:13</p> <p><b>Band</b> 11:16</p> <p><b>bang</b> 27:20</p> <p><b>bank</b> 65:16</p> <p><b>bargaining</b> 42:23</p> <p><b>Bart</b> 5:11</p> <p><b>based</b> 24:21 49:16 72:8</p> <p><b>basically</b> 15:5 17:18 18:5</p> <p><b>basis</b> 32:13</p> <p><b>basketball</b> 44:10</p> <p><b>Batton</b> 24:7</p> <p><b>bears</b> 51:4</p> <p><b>became</b> 50:1</p> <p><b>becomes</b> 62:21 71:4</p> <p><b>begin</b> 3:14</p> <p><b>beginning</b> 8:17 48:15</p> <p><b>begun</b> 18:2</p> <p><b>behalf</b> 39:13,22 43:13</p>
---	--	---	---

<p><b>behavior</b> 26:12</p> <p><b>behavioral</b> 26:12</p> <p><b>behind</b> 12:18 36:2 52:2 57:11 60:22</p> <p><b>belief</b> 69:12</p> <p><b>believe</b> 43:14 61:17 65:3 77:15</p> <p><b>belong</b> 67:9</p> <p><b>benchmark</b> 59:11</p> <p><b>benefit</b> 40:24</p> <p><b>benefits</b> 8:22</p> <p><b>best</b> 27:16 29:12 34:14 61:17,18</p> <p><b>better</b> 23:8 27:7 28:18,20</p> <p><b>BIA</b> 1:4 9:1 11:21 24:13,14 26:17 27:11 40:12,18 41:5 43:20,21 49:10 56:13 67:12 74:1</p> <p><b>BIA-owned</b> 51:9 56:6</p> <p><b>BIE</b> 1:4 2:2 3:9 5:4,19,20,24 6:1,5,15,21 7:3 8:2,4 9:1,4,8,13 10:12 11:17 14:16 15:14,17 16:2 20:8 21:22 22:11,16 24:13,14 26:17 27:11 31:21 32:6,22 34:14,17 35:15,19 36:1,5,22 39:12 40:9,10,14,17,19 ,22,23,25 41:1,2,6,10,14,1 9,25 42:3,6,8,10,11,1 5,22,24,25 43:6,8,13 44:1,6 45:3,5,8,10,14,2 0 46:3,6,12 48:3</p>	<p>49:3,10 50:16,24 54:5 61:12 62:8,9 65:10,13 66:11 67:18,24 70:2</p> <p><b>BIE.edu</b> 10:11 37:2</p> <p><b>BIE-funded</b> 30:3 41:8 72:12</p> <p><b>BIE-operated</b> 67:19</p> <p><b>BIE's</b> 36:18 41:21</p> <p><b>biggest</b> 16:14 44:22</p> <p><b>bills</b> 32:25</p> <p><b>bit</b> 48:14 60:4 61:5,9</p> <p><b>blacken</b> 50:7</p> <p><b>board</b> 20:12 25:23 38:15 54:22,24</p> <p><b>boarding</b> 5:17 7:17 25:25 42:1</p> <p><b>boards</b> 38:14,15 71:2,22</p> <p><b>Bob</b> 44:11</p> <p><b>bodies</b> 21:8</p> <p><b>body</b> 53:25</p> <p><b>book</b> 17:5</p> <p><b>books</b> 54:2</p> <p><b>bottom</b> 72:12</p> <p><b>Brad</b> 24:4</p> <p><b>Brandi</b> 10:21</p> <p><b>breadth</b> 29:10</p> <p><b>break</b> 46:17 47:4</p> <p><b>breakdown</b> 10:1,3</p> <p><b>Brian</b> 2:6 65:10 72:8</p> <p><b>bring</b> 14:20 23:1 35:6,7</p> <p><b>bringing</b> 14:23 70:3</p>	<p><b>brings</b> 35:2</p> <p><b>broke</b> 22:7</p> <p><b>broken</b> 42:1</p> <p><b>Bronner</b> 45:19</p> <p><b>brought</b> 68:16</p> <p><b>Brown</b> 2:2 3:2,9,14 5:10 14:15 15:1,3 30:17 47:14</p> <p><b>Bryan</b> 2:7</p> <p><b>budget</b> 3:21 4:20 5:1,6 8:3,15 9:19,22 10:20 12:20 13:2 17:2 32:9 47:11,19 48:18 49:4</p> <p><b>budgetary</b> 4:15 6:1</p> <p><b>build</b> 45:7 46:11</p> <p><b>building</b> 33:1,2,5 56:18,19</p> <p><b>buildings</b> 31:18,24 32:21,22 45:8 67:9 73:16</p> <p><b>built</b> 33:22 45:4</p> <p><b>Bureau</b> 2:4,6,9 3:4,13,14,19,20 4:22 6:10 7:9,14,19,25 9:4 10:23 24:19 25:12 40:2,3 44:21 47:22 48:19 50:22 54:9 56:7 67:7,10</p> <p><b>bureau-funded</b> 29:25 43:19</p> <p><b>Bureau-operated</b> 4:19</p> <p><b>bus</b> 32:2,13</p> <p><b>buses</b> 32:10,11</p> <p><b>Bush</b> 44:24</p> <p><b>business</b> 18:17 67:4</p>	<p><b>busing</b> 32:7,10</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>California</b> 6:17</p> <p><b>campaign</b> 64:21</p> <p><b>capability</b> 53:16</p> <p><b>capable</b> 18:21 49:5</p> <p><b>Capital</b> 1:18 78:16</p> <p><b>care</b> 27:14</p> <p><b>cares</b> 33:17</p> <p><b>Carter</b> 33:20</p> <p><b>case</b> 22:1 63:10</p> <p><b>CASINO</b> 1:12</p> <p><b>caused</b> 35:9</p> <p><b>CCSSO</b> 43:7,11</p> <p><b>census</b> 24:21,25</p> <p><b>center</b> 24:20 53:1</p> <p><b>central</b> 8:13 10:2,4</p> <p><b>certain</b> 17:2 19:1,2 34:22 54:7 67:22 75:13</p> <p><b>certainly</b> 10:13 29:24 31:2 33:7 38:3 40:19 41:5 72:22 73:25 74:2,12 76:18</p> <p><b>certification</b> 62:16</p> <p><b>Certified</b> 1:17 78:2</p> <p><b>certify</b> 78:3,6</p> <p><b>cetera</b> 5:14</p> <p><b>challenge</b> 26:10 27:9 67:13 69:8</p> <p><b>challenged</b> 26:2 75:17</p> <p><b>challenges</b> 65:12,23 66:12 69:1</p> <p><b>change</b> 45:6,13 57:15</p> <p><b>changes</b> 25:24</p>
--	--	--	--

<p>52:7 74:17  <b>charge</b> 15:7  <b>charges</b> 13:11  <b>chart</b> 10:3  <b>Cheyenne</b> 21:12  <b>Chickasaw</b> 9:25  36:11 46:10  <b>Chief</b> 2:6 10:20  24:7 53:3  <b>child</b> 52:2 56:22  57:3,5,11  60:7,22  <b>children</b> 28:1 32:1  33:1,20 35:8  41:8 55:1 59:2  71:7 72:11  <b>Chitimacha</b> 53:5,6  <b>Choctaw</b> 1:12  11:16 24:6,11,16  26:17 60:16  <b>chore</b> 9:16  <b>Circular</b> 57:10  <b>circumstance</b>  35:22  <b>circumstances</b>  19:13 28:13  <b>cite</b> 76:13  <b>cited</b> 60:9  <b>cities</b> 31:16 38:1  <b>City</b> 5:8 24:18  37:9,11,12,16,20  <b>claim</b> 15:2 44:12  <b>clarify</b> 41:13  <b>classroom</b> 20:25  21:1 25:16 26:4  35:7  <b>clean</b> 55:22  <b>clear</b> 3:24 17:4  <b>closely</b> 30:1  <b>closing</b> 15:9 31:17</p>	<p><b>coach</b> 44:11,12,15  <b>collect</b> 42:25  <b>collective</b> 42:23  <b>colleges</b> 6:21 61:1  <b>co-located</b> 30:1  <b>Colorado</b> 32:8  <b>Comanche</b> 16:22  22:6  <b>combination</b> 9:18  <b>combined</b> 25:6  <b>comes</b> 32:16,17  37:16 59:22  <b>coming</b> 4:3 13:24  19:11 20:8,9  29:7,10 60:19  61:12 72:20  77:17  <b>commend</b> 36:3  <b>commends</b> 26:17  <b>comment</b> 16:11  22:4,5 23:21  26:19 28:5  38:4,6 39:5  43:17 58:18  63:17 77:6,13  <b>comments</b> 9:24  15:14 21:9,21  23:20 24:2,10  26:22,25 37:5  39:11 40:6,7,17  45:21 46:14,15  58:16 72:7 77:16  <b>commission</b> 43:20  <b>commitment</b>  26:15  <b>committed</b> 51:18  <b>Common</b> 43:7,9  <b>communication</b>  57:22  <b>communities</b> 16:3  40:4  <b>Company</b> 1:18</p>	<p>78:16  <b>compare</b> 22:24  <b>comparison</b> 25:5  <b>compensation</b>  13:11  <b>complements</b>  25:16  <b>completely</b> 62:9  <b>completion</b> 53:17  <b>compliance</b> 15:5  51:14 56:5 57:9  76:17  <b>compliant</b> 56:9  <b>comply</b> 55:3,12,17  56:7,15,20  57:8,17  <b>complying</b> 55:23  <b>component</b> 18:22  20:2 67:7  <b>composites</b>  23:15,16  <b>comprehensive</b>  41:1 43:13  <b>compromise</b> 68:25  <b>Comptroller</b> 53:24  <b>concern</b> 63:7  68:17  <b>concerned</b> 68:24  <b>Conclusion</b> 77:19  <b>conditions</b> 60:19  62:21  <b>conduct</b> 25:18  57:1  <b>conducting</b> 51:6  <b>conflict</b> 26:5 54:17  <b>conformance</b>  64:12  <b>Congress</b> 13:3,8  48:21 63:22  <b>consequently</b>  70:19</p>	<p><b>consider</b> 30:7 31:3  38:3  <b>consideration</b> 70:3  <b>considered</b> 21:23  23:4 31:5 41:22  <b>consistently</b> 8:18  <b>consolidating</b> 9:11  <b>consolidation</b>  5:5,15 8:6,7  <b>consortium</b>  37:11,23  <b>constantly</b> 63:21  <b>constitutes</b> 54:17  <b>constrain</b> 75:10  <b>constrained</b> 70:22  <b>constraints</b> 4:15  6:1  <b>construct</b> 56:18  <b>construction</b> 44:23  45:1,2  <b>consultation</b> 1:3  5:12 17:4 23:24  40:13 41:11,18  52:15  <b>consultations</b>  15:18 40:4 54:5  <b>consulting</b> 30:14  <b>contact</b> 36:24  <b>contained</b> 57:11  <b>contents</b> 21:16  <b>context</b> 40:24  <b>continually</b> 26:7  <b>continuation</b>  55:19,21  <b>continue</b> 31:9 66:3  <b>continuing</b> 68:14  <b>contract</b> 7:11,15  49:8,10,12  <b>contractor</b> 49:9  <b>contracts</b> 7:24</p>
--	--	--	---

<p><b>control</b> 44:13,20  45:5,6,7,9,15,16  56:24 62:9</p> <p><b>controlled</b> 4:20  5:21 7:4,10,23  8:1 48:23</p> <p><b>controlling</b> 44:16</p> <p><b>convene</b> 47:15</p> <p><b>conversations</b>  67:2,3</p> <p><b>convey</b> 20:3</p> <p><b>COOP</b> 7:18</p> <p><b>cooperative</b> 5:17  7:20</p> <p><b>copies</b> 12:25 47:19  58:11</p> <p><b>copy</b> 13:1 14:1  47:21,25</p> <p><b>Core</b> 43:8,9</p> <p><b>correct</b> 68:20 78:4</p> <p><b>corrections</b> 68:2  71:23</p> <p><b>correlate</b> 65:22</p> <p><b>cost</b> 13:10  27:13,22</p> <p><b>costing</b> 27:21</p> <p><b>costs</b> 9:19 43:4</p> <p><b>counsel</b> 78:6</p> <p><b>Counselor</b> 2:8</p> <p><b>count</b> 23:25 40:7</p> <p><b>country</b> 5:7 36:4  67:4,18</p> <p><b>County</b> 38:9,20,22</p> <p><b>couple</b> 17:8 21:21  46:20 49:25 72:7</p> <p><b>course</b> 18:11 48:17  52:13 64:1 74:24</p> <p><b>covers</b> 7:1 50:3</p> <p><b>creative</b> 35:8</p> <p><b>creativity</b> 35:2</p>	<p><b>crew</b> 11:10</p> <p><b>Crime</b> 56:24</p> <p><b>criteria</b> 59:10</p> <p><b>critical</b> 41:12 67:3</p> <p><b>critically</b> 14:1</p> <p><b>cross</b> 34:17</p> <p><b>cry</b> 66:17</p> <p><b>CSR</b> 1:17 78:15</p> <p><b>cultural</b> 26:5,13</p> <p><b>culturally</b> 39:20</p> <p><b>cumbersome</b>  48:14</p> <p><b>curious</b> 17:16</p> <p><b>current</b> 6:7 41:24</p> <p><b>currently</b> 40:14  41:15 42:3 43:11  68:9</p> <p><b>curriculum</b> 35:3  43:10 62:8</p> <p><b>cut</b> 8:4 32:9,15  58:12</p> <p><b>cuts</b> 9:22</p> <p><b>cutting</b> 32:18</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>D.C</b> 4:2 8:13,24  10:15 11:1,5,10</p> <p><b>daily</b> 32:13</p> <p><b>Dakota</b> 7:22  25:5,6 53:2,7</p> <p><b>damaged</b> 69:6</p> <p><b>dance</b> 35:3</p> <p><b>danger</b> 68:15</p> <p><b>data</b>  22:6,14,15,22,25  23:10,23 35:10  42:25 43:2 54:10</p> <p><b>date</b> 51:12 78:16</p> <p><b>David</b> 2:3 3:12,17  11:15 12:3 60:15</p>	<p>65:15</p> <p><b>David's</b> 3:15</p> <p><b>day</b> 41:25 42:17  47:15 53:7 67:25  68:12 78:11</p> <p><b>days</b> 38:23,24,25  48:14 52:20  68:1,7</p> <p><b>DC</b> 78:17</p> <p><b>deal</b> 16:7 35:22,24  56:11 74:6</p> <p><b>dealing</b> 73:16</p> <p><b>dealt</b> 67:23</p> <p><b>Dear</b> 39:13</p> <p><b>death</b> 14:11</p> <p><b>December</b> 49:17</p> <p><b>decided</b> 48:2</p> <p><b>decisions</b> 23:19  48:12</p> <p><b>decline</b> 66:4</p> <p><b>dedicated</b> 39:18</p> <p><b>deep</b> 19:22</p> <p><b>deficiencies</b>  56:3,14</p> <p><b>definite</b> 45:14</p> <p><b>definitely</b> 31:11</p> <p><b>delivery</b> 9:14</p> <p><b>demands</b> 35:24</p> <p><b>demographic</b>  19:17</p> <p><b>demonstrated</b>  71:3</p> <p><b>Denver</b> 36:19</p> <p><b>department</b> 16:2  17:25 20:5,6,9  29:21 30:12 36:6  42:4 57:23,25</p> <p><b>departments</b>  20:4,8 23:7  34:16</p>	<p><b>depends</b> 30:22</p> <p><b>deposition</b> 78:8</p> <p><b>deputy</b> 2:2,3,5,9  3:12 5:8 6:11,12  7:1,7,12 11:13  14:13 20:14  52:8,17</p> <p><b>desire</b> 26:18</p> <p><b>destinies</b> 48:13</p> <p><b>detail</b> 10:23 75:1</p> <p><b>develop</b> 35:8,9  42:12 44:14  52:11,25</p> <p><b>developing</b> 41:19  42:8 52:4</p> <p><b>development</b>  14:16 25:21  26:13 34:13  43:7,8</p> <p><b>difference</b> 13:18</p> <p><b>different</b> 3:19 6:6  16:5 22:8  27:7,23 33:22  35:22 38:14  43:20 65:5 70:11  76:8</p> <p><b>difficult</b> 21:19  44:11,15</p> <p><b>direct</b> 4:4 20:7</p> <p><b>direction</b> 25:15</p> <p><b>directly</b> 37:16  40:24 50:2  56:7,11</p> <p><b>director</b> 2:2,3,5,9  3:12 4:2 6:13  7:7,12 10:19  11:16 16:13 20:3  28:4 39:10,13  45:3,5,20  49:2,3,5 61:23  62:15 66:5  72:10,16</p> <p><b>directors</b> 5:9 6:12  7:1 14:14 37:12</p>
--	--	--	--

<p>52:8,17  <b>director's</b> 4:14  8:24 11:10,13  <b>Disabilities</b> 52:1  58:2  <b>discount</b> 29:9  <b>discussion</b> 3:16  22:19  <b>discussions</b> 50:4  66:23  <b>dismiss</b> 29:4  <b>dissemination</b>  25:21  <b>district</b> 23:15 32:7  37:14  <b>districts</b> 37:22  38:8  <b>division</b> 6:13 11:7  17:20  25:12,13,18  30:23 31:4,9  <b>document</b> 13:13  <b>documents</b> 10:12  54:2  <b>DOI.gov</b> 4:24  <b>dollar</b> 27:17,23  28:18,21  29:12,17  32:12,18 63:13  65:7  <b>dollars</b> 17:22 18:6  49:23 51:11  54:25 55:10  67:25  <b>done</b> 17:18 77:11  <b>dorm</b> 33:14  <b>dormitories</b>  5:18,19,22 6:16  7:3 67:11  <b>dormitory</b> 25:16  53:2  <b>Doyle</b> 38:4,5</p>	<p><b>DP&amp;A</b> 11:7  <b>DPA</b> 6:13 10:24,25  37:2  <b>Dr</b> 53:6  <b>draft</b> 52:14,25  53:11  <b>Drapeaux</b> 2:6  65:10 70:7 71:12  77:12  <b>drinking</b> 55:22  <b>due</b> 8:20 49:16,18  <b>DURANT</b> 1:14  <b>during</b> 32:24 54:4  <b>dysfunctional</b>  28:13</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p><b>earlier</b> 9:14 47:18  61:10 72:9  <b>early</b> 9:2  <b>early-out</b> 9:16  <b>east</b> 2:2 3:9 5:10  7:1,4,6 11:14  52:8  <b>eating</b> 21:1  <b>economic</b> 25:25  <b>ed</b> 16:2 17:25  18:11 23:14  57:23,25  <b>educate</b> 19:13 55:1  <b>educated</b> 19:21  39:24  <b>educating</b> 72:11  <b>education</b> 2:4,6  3:5,13,15,19,22,  25 4:1,7,16,23  5:7 6:3,9,11  7:2,8,9,13,16  8:1,10,12,22  11:15,23 14:21  15:1 17:23,24  18:21,22 19:14  20:4,6,9,19</p>	<p>21:13 22:17,20  23:7,8  24:18,19,20  25:12 26:21 28:4  29:23 30:8,12  34:16 35:17  36:6,13 37:12  38:19,25  39:14,18 40:3  41:5,14,22  42:4,19 47:22  48:9 50:22 51:25  58:1,2 59:2,20  60:5 66:6,7 67:8  72:6  <b>educational</b> 14:24  16:15 26:1,12,18  28:9 34:25 39:20  41:14 75:9 76:15  <b>educators</b> 36:16  40:4  <b>effect</b> 70:12  <b>effective</b> 41:9  43:15  <b>efficiency</b> 5:4 8:5  40:20,22  <b>efficient</b> 24:15  33:5  <b>efficiently</b> 48:25  <b>effort</b> 40:13,15  45:9 69:24  <b>efforts</b> 22:11 24:14  43:13 44:19  <b>eight</b> 29:5  <b>either</b> 9:9  <b>elders</b> 39:17  <b>elected</b> 54:16  <b>elementary</b> 5:16  18:10,13,15 19:2  51:25 58:1  <b>elementary/  secondary/  peripheral</b> 7:17  <b>elements</b> 19:2</p>	<p><b>elephant</b>  44:3,18,22  <b>elephants</b> 44:5  <b>eligible</b> 9:5  <b>eliminate</b> 76:22  <b>ELO</b> 22:23  <b>ELOs</b> 23:16  <b>else</b> 26:25 30:9  31:12 39:5 44:16  45:25 46:15  60:12 61:19  74:11,18 77:3,5  <b>e-mail</b> 45:23  <b>embraces</b> 39:19  <b>employed</b> 78:7  <b>employees</b> 54:15  55:5  <b>employing</b> 56:25  <b>employment</b> 55:5  <b>empower</b> 6:3,4  <b>empty</b> 31:18,24  32:6 33:2  <b>enabled</b> 18:21  <b>enacted</b> 13:8  17:12,15  48:8,10,21  <b>encourage</b> 16:20  45:22  <b>endangered</b> 55:23  <b>Enemy</b> 53:7  <b>Energy</b> 20:6  <b>engaged</b> 55:8  <b>engaging</b> 40:3  <b>engineering</b> 19:4,6  <b>enhance</b> 25:16  26:18  <b>enjoy</b> 35:9  <b>ensure</b> 25:15  26:15 53:17  <b>entire</b> 51:21</p>
---	---	--	---

<p><b>entity</b> 67:8  <b>entry</b> 42:24  <b>environment</b>  31:25 34:9  <b>environmental</b>  51:4,15  55:13,16,20 56:4  60:6 67:14 70:21  75:7  <b>EPA</b>  51:6,8,13,17,19  55:21 56:2,11  60:22 67:7,16  68:8,21,23 70:19  73:15,17 74:4,6  76:12  <b>EPA-related</b> 51:7  <b>Equalization</b>  11:19  <b>ESEA</b> 41:23  58:6,8 73:9  <b>especially</b> 18:21  60:21 61:4  <b>essentially</b> 49:15  55:16  <b>establish</b> 20:4  24:19 54:12,15  <b>establishing</b> 6:11  <b>estimates</b> 9:8  <b>et</b> 5:14  <b>Eufaula</b> 53:2  <b>evaluate</b> 26:7  <b>evaluations</b> 25:18  <b>evening</b> 23:23  <b>eventually</b> 6:10  <b>everybody</b> 36:10  69:8  <b>everybody's</b> 69:8  <b>everyone</b> 69:1  71:2  <b>everything</b> 44:20</p>	<p><b>exactly</b> 64:3  <b>examine</b> 26:7  41:11 54:2  <b>example</b> 4:5 19:4  <b>examples</b> 68:13  <b>excuse</b> 41:16  <b>Execution</b> 10:21  <b>exempt</b> 74:4  <b>exempts</b> 74:2  <b>exist</b> 69:13  <b>existing</b> 56:21 69:3  <b>exists</b> 28:15  <b>expending</b> 65:6  <b>expenditure</b> 41:25  <b>expense</b> 40:22  <b>expensive</b> 27:14  28:18 29:2  <b>experience</b> 29:10  <b>experiences</b> 25:16  <b>expertise</b> 14:20  <b>Expiration</b> 78:16  <b>expressed</b> 18:25  <b>extend</b> 63:20  <b>extent</b> 48:5  <b>extra</b> 32:4,5,25  <b>extracurricular</b>  26:4 34:1</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p><b>facilitators</b>  38:10,11  <b>facilities</b> 27:18  36:2 45:18 51:9  56:11,13  67:12,15,18  74:1,3  <b>facility</b> 24:6 56:6  75:9 76:15  <b>facility's</b> 56:13  <b>facing</b> 4:15 70:2</p>	<p><b>fact</b> 8:20 28:5  51:10 65:1  <b>factored</b> 25:2  <b>factors</b> 23:3 26:1  <b>failure</b> 26:6 29:16  <b>fairly</b> 43:23 58:15  66:5  <b>fall</b> 69:3  <b>falls</b> 67:12  <b>familiar</b> 51:15  <b>families</b> 28:12  <b>family</b> 32:12 34:4  56:23  <b>fault</b> 35:18  <b>Fax</b> 78:19  <b>feasibility</b> 30:2  <b>federal</b> 15:24  49:23 50:3,20  53:15 54:25  55:6,13 56:21  57:18 58:9 59:13  65:17 66:16  72:25 73:11 75:2  76:9,14  <b>federally</b> 24:24  <b>feedback</b> 3:17  58:6  <b>feel</b> 20:11 33:16  62:11,22  <b>field</b> 2:9 9:12  38:10,11  <b>fight</b> 61:5  <b>figure</b> 25:7 27:4  <b>final</b> 52:14  <b>finally</b> 62:7  <b>finances</b> 66:13  <b>financial</b> 42:18  53:16 54:10 57:9  <b>financially</b> 78:9  <b>findings</b>  67:21,23,24 68:2</p>	<p><b>fine</b> 51:13 61:6  62:5 67:25  <b>fined</b> 51:10  <b>fines</b> 69:2,4  <b>finger</b> 35:21  <b>finish</b> 46:18 47:4  <b>first</b> 11:16 17:9  18:10,15  19:3,7,13 36:18  41:3 53:14 63:22  <b>fiscal</b> 16:25 17:10  29:20 42:18  47:25 48:16  49:19  <b>fit</b> 50:21  <b>five</b> 14:12  38:24,25 43:18  46:25 54:24  67:16  <b>fix</b> 74:14  <b>fixed</b> 13:10 56:14  <b>flag</b> 66:8 69:18  <b>flat</b> 14:5,6  <b>flexibility</b> 65:4  66:2  <b>flexible</b> 48:24  <b>floodplain</b> 76:12  <b>Floor</b> 78:17  <b>Florida</b> 6:18  <b>focus</b> 22:11  52:5,13,25  57:17,21  58:3,5,8 73:5  <b>focused</b> 6:3  <b>folks</b> 9:4 52:21,24  66:20  <b>football</b> 44:9,12,13  <b>foregoing</b> 78:3  <b>forever</b> 18:20  <b>form</b> 16:14 21:14  50:17 72:10</p>
--	---	---	--

<p><b>formed</b> 52:5  <b>forming</b> 31:15  36:20  <b>formula</b> 13:6,7  <b>formulating</b> 24:12  <b>forth</b> 41:16 44:25  69:22  <b>Fortunately</b> 51:12  <b>forward</b> 3:16  21:23 24:13  59:16 66:11  69:11 70:3  <b>Foster</b> 46:1  <b>Founded</b> 39:14  <b>fourth</b> 18:16 19:3  <b>frankly</b> 71:25  <b>frequency</b> 49:12  <b>fringe</b> 8:21  <b>FTE</b> 9:16,17,18  <b>FTEs</b> 9:9  <b>full</b> 5:17 8:8 14:17  45:6,15  <b>function</b> 15:4  43:25 45:15  <b>functional</b> 71:4  <b>functions</b> 14:22  44:21 45:10,12  <b>fund</b> 6:20 7:25  8:12,23 18:1,3  65:15 66:21 69:5  <b>funded</b> 6:15 7:18  8:11 17:21 55:6  <b>funding</b> 3:24 4:4  5:25 8:17 13:15  17:20 18:2 20:7  31:7,17 32:16  35:25 37:16  38:19,24 39:1  42:2,15 47:22  48:15 49:16  53:18 62:2  <b>funds</b> 4:1,7 13:6,7</p>	<p>22:18,20 31:8  50:24 53:13  55:6,8 58:21,25  59:3  <b>future</b> 33:12  <b>futures</b> 19:4  <b>FY10</b> 8:11,17  <b>FY11</b> 8:13 17:19  <b>FY12</b> 8:14 17:19  <b>FY13</b> 3:20 4:15  8:15  <b>FY2013</b> 4:20 8:3  <hr/> <b>G</b>  <hr/> <b>Gaddy</b> 53:6  <b>gain</b> 54:18  <b>gaining</b> 58:19  <b>gains</b> 40:23  <b>Gary</b> 24:7  <b>general</b> 50:20  53:24 69:12 75:4  <b>generally</b> 31:18  50:3 54:13  <b>gentleman</b> 22:6  60:13 73:4  <b>Germany</b>  11:15,22,25  12:2,5,12,17,22  13:4,14,17,20,23  14:2,5,7,10,25  15:2,8  30:10,19,25  60:15  61:8,11,15,25  62:7,19 73:7,19  74:14  <b>gets</b> 71:3  <b>getting</b> 8:21  18:19,20 21:6  29:10,17 31:1  38:25 60:17  73:11  <b>given</b> 27:4,17</p>	<p>77:16  <b>gives</b> 38:11,15  <b>giving</b> 48:11  <b>global</b> 65:13 70:1  <b>goal</b> 40:20  <b>goals</b> 40:21  <b>gone</b> 33:25 35:11  <b>governing</b> 53:25  57:19  <b>government</b>  50:3,20 65:17  <b>grade</b> 19:3 34:7  35:3  <b>grades</b> 18:16  33:24 35:11  38:13,17 41:25  43:1  <b>graduating</b> 34:6  <b>graduation</b> 18:14  <b>grant</b> 7:4 16:3  22:17 24:5 47:15  49:7,12,14  50:18,25  52:10,14  53:19,20 54:23  57:5 60:2,3,19  61:13,15  62:21,23 64:6,13  67:19 69:11,12  70:12 71:6 73:24  <b>grantee</b> 49:13,15  53:14 56:10 74:6  <b>grantees</b> 50:5,6  53:23  <b>grants</b> 48:7  50:3,20,21  54:6,8 64:23,24  65:1,3  <b>grants.gov</b> 50:2  <b>gravely</b> 67:6  <b>great</b> 3:17 18:22  21:24 43:11  44:6,7,19</p>	<p><b>greater</b> 27:20,24  66:17  <b>Greenbook</b>  4:21,23,25 22:15  <b>Greg</b> 53:2  <b>Gross</b> 53:1  <b>group</b>  52:5,13,22,25  53:7 57:17,21  58:3,8 71:2  <b>GSA</b> 13:11  <b>guard</b> 63:24  <b>guess</b> 3:2 11:9  14:24 15:6 70:23  73:4  <b>guidance</b> 25:14  <b>guidelines</b> 67:5  <hr/> <b>H</b>  <hr/> <b>half</b> 14:20 37:19  <b>hand</b> 31:12 46:24  78:11  <b>handful</b> 7:21  <b>handout</b> 11:17  <b>hands</b> 46:23 65:5  <b>hang</b> 12:8 15:12  <b>hanging</b> 21:4  <b>happen</b> 66:8 68:22  71:25  <b>happened</b> 71:25  <b>happens</b> 35:4  50:25  <b>happy</b> 37:3  74:7,12,16  <b>hard</b> 19:9 21:20  66:19 71:17  <b>Harjo</b> 37:7  <b>harm's</b> 75:13  <b>harsh</b> 68:22  <b>Haskell</b> 6:21,22</p>
---	---	--	---

<p><b>Hatch</b> 55:4  <b>hatching</b> 64:22  <b>having</b> 4:10 14:19  28:1 30:2 38:10  73:8,10 74:6  <b>Hawaiians</b>  39:16,24  <b>head</b> 44:11 58:22  <b>headache</b> 20:21  <b>headed</b> 5:10,11  <b>heads</b> 5:9  <b>hear</b> 20:11 64:11  <b>heard</b> 15:18 21:21  69:14  <b>hearing</b> 70:5  <b>hearings</b> 41:13  <b>heartly</b> 3:16  <b>heavy</b> 20:23 21:6  <b>held</b> 36:19 67:24  <b>helm</b> 3:16  <b>help</b> 8:25 9:6 23:6  33:12 34:24,25  36:9 39:2 41:13  46:12 52:25  66:20  <b>helpful</b> 16:8 26:24  35:14  <b>helping</b> 19:24  29:17 35:8  <b>helps</b> 32:17  <b>HERRIN</b> 10:19  11:3  <b>he's</b> 44:15,16 45:4  62:2  <b>hesitate</b> 27:8  <b>hey</b> 33:2  <b>Hi</b> 37:7  <b>high</b> 18:14 24:14  <b>higher</b> 18:11 22:17  23:14</p>	<p><b>highlight</b> 69:7  <b>highlighted</b> 29:14  68:15  <b>historic</b> 56:16,17  70:20 75:1 76:11  <b>Historically</b> 44:23  <b>hold</b> 51:13 61:13  <b>holding</b> 62:3  <b>home</b> 26:4,11  33:14,23 77:18  <b>homelands</b> 40:1  <b>homes</b> 33:22  <b>hone</b> 28:24  <b>honest</b> 16:17  <b>hope</b> 16:12 21:5  44:19 45:8  <b>hoped</b> 41:18  <b>hours</b> 46:20 63:21  <b>house</b> 5:19,22  <b>housed</b> 46:8  <b>housing</b> 42:16  <b>HUD</b> 33:21  <b>HWY</b> 1:13  <hr style="width: 20%; margin: 10px auto;"/> <b>I</b>  <b>I'd</b> 22:14 23:10,12  37:10 63:1 64:11  65:11 74:7 76:21  <b>Ida</b> 38:5  <b>idea</b> 10:4,14  58:2,6,7 60:22  73:9,23  <b>ideas</b> 35:16  36:7,15  <b>identify</b> 8:4 45:12  69:21  <b>IEP</b> 38:15  <b>ignore</b> 22:13  <b>I'll</b> 21:16 23:19  24:8 26:21 27:21  29:13 39:8 40:7</p>	<p>43:16 47:10  60:10  <b>I'm</b> 3:7,12 10:1  11:15 12:24  17:16 19:11  20:10 21:12  22:19 24:5  31:22,23 37:7  38:20 39:13  40:11 44:5 45:11  46:16 51:5 55:15  60:13 61:19 70:5  74:9,16 76:3,21  77:9  <b>immediately</b> 66:16  <b>impact</b> 30:23 34:2  64:2 72:17  <b>impacted</b> 28:1  66:9  <b>impacting</b> 72:13  <b>impacts</b> 3:25  <b>impinge</b> 64:5,7  <b>implement</b> 51:18  <b>implementation</b>  25:22  <b>implementing</b>  32:12  <b>implied</b> 58:22  <b>imply</b> 59:21 64:7  <b>importance</b> 24:12  29:4 46:3,5  <b>important</b> 14:1  29:9 39:3 67:6  <b>importantly</b> 73:2  <b>improve</b> 4:16 5:3  8:4 26:4 53:21  <b>improving</b> 40:20  <b>inaudible</b> 11:11  12:4,7  <b>Incentive</b> 9:3  <b>include</b> 56:22  74:11 75:6</p>	<p><b>included</b> 41:13  57:24  <b>includes</b> 52:2  <b>including</b> 4:19  23:6 39:23 57:25  58:6 60:17 67:18  <b>inclusion</b> 43:9  <b>inclusive</b> 58:5  59:12  <b>increase</b> 13:10  43:12  <b>increased</b> 26:3  <b>Indian</b> 2:4,6,8  3:4,13,15,19,20  4:22,24 6:2,9,11  7:9,25 9:4 11:19  20:3 21:13 24:19  25:12 28:13  29:21,23 30:7  36:4  37:12,13,20,25  39:14,16 40:2,3  41:7 42:20  46:4,6,7 47:22  48:9,11,19 50:22  51:10,12,17 53:1  56:22 59:23  67:4,8,10  72:6,11  <b>indicated</b> 4:9 7:16  9:16 40:18 56:1  61:9  <b>individual</b> 26:13  <b>individuals</b> 19:15  52:1 58:1  <b>inefficiency</b> 32:23  <b>inexpensive</b> 34:18  <b>information</b>  23:12,17 24:9  26:24 37:1 38:16  47:11 51:16  <b>infringement</b>  73:13  <b>initial</b> 43:15 48:10</p>
--	--	---	---



<p>50:5,19  <b>initially</b> 52:17  <b>injured</b> 69:2  <b>input</b> 4:13 5:24  8:25 9:21 50:16  62:6  <b>inspection</b> 56:4  <b>instances</b> 65:24  <b>instead</b> 15:9  <b>institute</b> 36:18,25  <b>institution</b> 75:9  76:15  <b>institutional</b> 53:16  <b>instruction</b> 4:5  25:17  <b>instructional</b>  73:12  <b>instructionally</b>  15:6  <b>intact</b> 4:6  <b>intend</b> 72:16  <b>intended</b> 64:1  <b>intending</b> 72:17  <b>intent</b> 48:10,23  58:4 60:1 64:13  <b>interest</b> 54:18  <b>interested</b> 29:22  74:12 78:9  <b>interests</b> 56:8  <b>Interior</b> 31:7  <b>internal</b> 70:14,15  <b>intervention</b> 26:3  <b>introduce</b> 3:5  <b>introduced</b> 49:24  <b>invest</b> 19:10,20  20:16 29:12  <b>invested</b> 18:15  <b>investigation</b> 57:1  <b>investigations</b></p>	<p>56:21  <b>investing</b> 18:23  19:14 20:16 21:8  <b>investment</b> 20:11  27:6,7  <b>invitations</b> 52:18  <b>invite</b> 36:17  <b>involved</b> 26:10  <b>ISEP</b> 11:25  13:5,6,16,23  14:5  <b>isn't</b> 19:10  <b>issue</b> 4:7 30:14  50:22 61:4 67:7  68:3,8,16 71:13  72:15  <b>issues</b> 16:7 26:5,20  39:19 43:14  50:13 51:7,19  55:21 56:2 60:7  64:8 66:8,25  68:4,5,15,17,18  69:20 70:2,3  <b>item</b> 4:8 51:20  <b>items</b> 47:22 69:3  <b>it's</b> 3:21 4:21 5:1  11:1 12:5,13  13:18 14:1,15  15:16 16:5 17:1  20:21 22:15  29:9,11  30:4,13,16  31:2,11 34:3  35:12 36:13 37:8  39:11 44:6  45:1,13 46:16  47:2 49:3 52:2  54:11 55:21 58:3  59:5,23 60:12  62:8 65:5,8 67:5  69:24 70:8,10,15  71:9,10,17,18  72:2 75:11,19  77:3  <b>I've</b> 15:14 21:21</p>	<p>47:19 56:1 69:14  <hr/> J  <hr/> <b>jail</b> 54:25  <b>Jefferson</b> 78:17  <b>Jim</b> 10:21  <b>job</b> 54:6 62:11  <b>Joe</b> 10:14,18  <b>John</b> 9:25 10:9,16  33:9 34:20 38:8  46:10  <b>Johnson</b> 53:6  <b>Johnson-</b>  <b>O'Malley</b> 22:18  23:24 24:1  37:16,21 40:7  47:7  <b>JOM</b> 23:14 39:11  <b>Jones</b> 24:5  <b>Juanita</b> 10:22  <b>July</b> 46:5 49:16  50:25  <b>jump</b> 40:11  <b>June</b> 30:16 36:19  40:16 77:15  <b>justification</b> 4:21  5:1 8:3  <b>justify</b> 62:1  <hr/> K  <hr/> <b>K-12</b> 42:24  <b>Kansas</b> 6:23 25:2  <b>Keith</b> 16:13 21:14  39:10 45:3  <b>key</b> 9:13  <b>kickbacks</b> 54:23  <b>kidding</b> 60:13  <b>kids</b> 36:11 37:25  38:9,11,12,16,24  61:18  <b>kinds</b> 55:10</p>	<p><b>Kingston</b> 33:21  <b>knowledge</b> 14:21  <b>known</b> 41:23  <hr/> L  <hr/> <b>lacks</b> 45:6  <b>lands</b> 59:23  <b>language</b> 53:11  57:24 58:3,4  60:4 68:23,24  69:10 74:2,7  <b>large</b> 48:4 68:5  <b>larger</b> 33:15  <b>largest</b> 23:2 39:14  <b>last</b> 12:14 14:19  30:10 37:1 39:8  46:5,7 47:15  67:23 69:17  <b>late</b> 60:12  <b>later</b> 23:20 69:15  <b>latitude</b> 65:2  <b>law</b> 7:5 48:7,8,22  49:15 52:2  54:7,8 55:16  56:22,23 58:9  59:25 63:17 75:2  76:9,14  <b>Lawrence</b> 6:23  <b>laws</b> 55:13,15,20  56:19,21  57:18,19  59:13,17  60:2,5,8  63:17,21 70:21  75:7,8 76:16,17  <b>lax</b> 70:10  <b>layer</b> 14:13 15:10  <b>Lead-Based</b> 55:24  <b>leaders</b> 39:17  <b>leadership</b> 6:4  <b>learn</b> 18:20 35:9  <b>learning</b> 6:4 53:1</p>
---	---	---	---

<p><b>lease</b> 32:11  <b>least</b> 77:8  <b>leave</b> 48:1 58:8  <b>LeBlanc</b> 53:5  <b>legal</b> 53:15  <b>Leschi</b> 53:3  <b>less</b> 3:21 8:21  17:11 25:8 63:12  71:5  <b>lessen</b> 75:24  <b>let's</b> 7:23 46:3,23  <b>letter</b> 21:14,17  24:7 39:9 41:17  43:16 45:21  60:17  <b>level</b> 8:19 15:22  16:8,9 62:17  69:5 72:1  <b>levels</b> 17:12 18:24  70:11 71:20,21  <b>lie</b> 19:17  <b>Life</b>  25:12,13,14,21  26:6  <b>lifestyles</b> 27:25  28:8  <b>limit</b> 55:4,10 58:22  59:6  <b>limitations</b> 26:7  <b>limited</b> 29:20 31:7  49:21 61:10  <b>limits</b> 43:3  <b>line</b> 4:1,8,14 5:7  7:2,8,13,16  8:12,23 12:14  14:19,23,25  15:1,9,22 16:9  17:24 18:1,3  19:25 24:18  37:11,17 47:22  68:3 69:3 71:1  72:12</p>	<p><b>lines</b> 15:14  <b>link</b> 34:15,24  35:4,15 36:8,16  <b>linking</b> 35:13  <b>Lisa</b> 1:17 9:25  33:9 78:2,15  <b>list</b> 46:8 52:24  <b>listed</b> 22:22 28:17  <b>listening</b> 21:18  <b>litany</b> 63:15  <b>literally</b> 69:14  <b>little</b> 20:10 50:11  60:4 61:9 72:9  <b>live</b> 33:22 69:10  70:20 71:5 74:23  75:12  <b>living</b> 26:4 44:4  71:5  <b>lobby</b> 55:8  <b>local</b> 16:3 69:4  <b>locale</b> 27:13  <b>locales</b> 27:10  <b>located</b> 5:9  6:15,16,22,23  24:24  <b>location</b> 57:13  71:15  <b>locations</b> 20:7 27:8  <b>long</b> 22:19 58:12  68:18 77:13  <b>longer</b> 45:7  <b>long-term</b> 33:19  34:9  <b>looming</b> 71:13,18  <b>Lorenzo</b> 31:13  <b>Lorton</b> 53:3  <b>lot</b> 11:4 14:20  15:18 20:20  21:25 22:10  31:16 32:8,15  34:22 35:22</p>	<p>36:15 44:25  65:25 66:1  <b>Louisiana</b> 53:6  <b>love</b> 14:11  <b>Lucyann</b> 37:7  <hr/> M  <hr/> <b>Maine</b> 6:17  <b>mainly</b> 4:13 52:1  <b>maintain</b> 4:16  <b>maintaining</b> 6:1  29:2  <b>major</b> 56:2  <b>majority</b> 7:25 22:9  <b>manage</b> 67:14  <b>management</b>  3:22,25 4:8 6:5  8:11,18,22 9:22  17:22 31:7 51:16  53:17 65:21,22  66:8 70:12,17,24  71:11 73:12  74:22  <b>managerial</b> 53:16  65:12  <b>manner</b> 24:15  <b>maps</b> 12:5  <b>March</b> 52:20  <b>mark</b> 9:10,17  <b>Martin</b> 10:21  <b>math</b> 19:6  <b>mathematics</b>  19:7,9  <b>matter</b> 70:6 78:5  <b>Matthew</b> 53:4  <b>may</b> 1:6 40:5  46:12 51:14  53:20 55:14  77:19 78:11  <b>maybe</b> 10:14  18:16 20:7,10  28:5 31:21 32:23</p>	<p>34:11 46:11  59:21 60:3 62:16  73:4,5 74:9 75:2  <b>mean</b> 10:3 11:19  16:18 21:20  22:12 34:9,18  35:10  36:11,13,20  44:4,13 45:9  54:25 58:25 60:7  61:22 62:17  64:6,23 66:19  73:9,20 76:22  <b>means</b> 69:5  <b>measures</b> 74:25  <b>measuring</b> 69:22  <b>meet</b> 4:15 5:6 6:1  9:6,10,17,19  60:25 61:23  69:16  <b>member</b> 43:6  <b>members</b> 24:23  25:1 54:24  <b>membership</b> 39:15  <b>mention</b> 45:18  <b>mentioned</b> 31:15  72:9  <b>messages</b> 67:1  <b>messaging</b> 64:8  <b>met</b> 51:13 52:5,20  53:8 57:21 68:11  69:16  <b>metro</b> 37:19,22  <b>metropolitan</b> 37:9  <b>Michael</b> 2:9  <b>midnight</b> 63:21  <b>mike</b> 60:13  <b>mileage</b> 28:21  <b>million</b> 3:21  4:3,9,22 8:4,23  9:6,10,17,20  11:18  13:12,19,20</p>
--	---	--	---

<p>17:1,11 22:2  24:22 28:24  32:18 40:19  45:1,2 51:11  65:16,18 67:25  <b>mind</b> 16:12,19,21  19:12 27:16 44:3  <b>minimum</b> 4:5  <b>Minnesota</b> 25:6  <b>minus</b> 9:20  13:12,19  <b>minute</b> 3:3 47:21  <b>minutes</b> 51:22  <b>mismanagement</b>  69:4  <b>mission</b> 43:25  <b>Mississippi</b> 6:22  11:16 60:15  <b>misspending</b> 66:1  <b>misused</b> 54:22  65:8  <b>model</b> 25:20  33:14,18 35:12  <b>modern</b> 31:20  <b>money</b> 11:25  13:23 17:25  29:21,23 30:25  44:25 62:23  64:20  65:18,22,25  66:1,14,15  69:3,13 73:11  <b>monies</b> 44:23  70:13  <b>monitor</b> 54:6  <b>monitoring</b> 15:4  <b>Montana</b> 25:6  <b>month</b> 30:15 69:15  <b>months</b> 15:15  <b>Monty</b> 2:5 3:7 5:9  <b>Moore</b> 16:13  21:15,22</p>	<p>39:10,13 45:3  <b>morning</b> 4:10  11:17,22 12:13  45:24 60:18  77:15,16  <b>MOU</b> 30:11,15  <b>mouth</b> 30:6  <b>move</b> 21:22 45:20  48:11 66:11,21  <b>moved</b> 11:8 42:4  <b>movement</b> 66:12  <b>Multiple</b> 12:19  <b>music</b> 35:2  <b>myself</b> 10:20</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p><b>narrative</b> 48:19  <b>nation</b> 9:25 16:23  18:9 20:3 22:6  24:6,11,16 26:17  28:4,6 38:5  39:3,15 43:23  46:2,11 53:4  65:2,4 66:13  <b>national</b> 2:5 3:8  21:13 43:13  56:16 62:8,9  <b>nations</b> 18:18  19:18 37:14  61:16 72:18  <b>Native</b> 22:24 23:2  24:22,25 25:6,10  26:18  39:2,16,18,21,22  ,24 40:3,22,25  41:5 43:14 45:8  <b>Natives</b> 39:23,24  <b>Navajo</b> 5:9 7:7  11:14 16:5 52:9  53:4  <b>NCLB</b> 41:23  <b>nearby</b> 5:23  <b>necessarily</b> 31:5</p>	<p>53:21  <b>necessary</b> 66:2  <b>neglect</b> 26:5  <b>negotiate</b> 33:3  48:16 49:9,11,13  <b>neighborhood</b>  11:6  <b>neither</b> 72:17 78:6  <b>net</b> 13:15,18  <b>newer</b> 33:2  <b>Newland</b> 2:7 12:10  24:3 46:23  47:3,9  <b>NIEA</b>  39:9,11,14,18,22  40:16 41:8 43:12  <b>nine</b> 14:19  <b>nobody</b> 77:5  <b>nominated</b> 52:19  <b>noncompliances</b>  51:7,11,19  56:2,12  <b>nonetheless</b> 28:15  <b>nonprofits</b> 34:23  36:8  <b>nor</b> 72:17  <b>normally</b> 53:18  <b>Norman</b> 37:8,14  <b>north</b> 7:21,22  25:2,5  <b>northwest</b> 6:18  <b>Nose</b> 21:11,12 38:7  39:7,9  <b>notice</b> 6:16 51:4  <b>notification</b> 71:24  <b>notified</b> 67:21  68:19  <b>nuances</b> 66:20  <b>nutshell</b> 9:20  <b>NW</b> 78:17</p>	<hr/> <p style="text-align: center;">O</p> <hr/> <p><b>objective</b> 41:1  52:13  <b>objectives</b> 16:14  <b>obviously</b> 8:18  27:13 68:25 69:8  71:10 72:16  <b>occasionally</b> 53:20  <b>occupy</b> 67:10,11  <b>occur</b> 63:21  <b>o'clock</b> 46:16 47:5  <b>office</b> 4:14 6:9,12  8:13,24 10:2,4  11:10 14:11  15:22 16:9 24:18  31:5 37:11,17  68:11  <b>officer</b> 19:25  <b>officers</b> 4:1,14  7:16 8:13 71:1  <b>offices</b> 4:2,13 5:5,7  7:2,8,13 8:7,23  9:11 11:14  14:10,19,23,25  15:1,10 17:25  18:2,3 23:16  <b>officials</b> 54:16,21  55:7  <b>offset</b> 18:6  <b>oh</b> 35:20 65:4  <b>OIEP</b> 6:8 49:3  <b>OK</b> 1:14,17  <b>Oklahoma</b> 5:8 7:2  21:12 23:2  24:6,11,18,20,24  25:1,3,4,8,10  34:25  37:8,11,12,16,20  38:18,21 44:9,16  53:3 78:3,15  <b>old</b> 52:6  <b>older</b> 32:22 33:5</p>
---	---	---	---

<p><b>oldest</b> 39:14</p> <p><b>OMB</b> 29:22 57:10 61:12,14,24 63:1,12 69:16 71:5 75:18</p> <p><b>one-and-a-half</b> 3:3</p> <p><b>one-pager</b> 58:13</p> <p><b>one's</b> 73:12</p> <p><b>one-third</b> 24:23</p> <p><b>ongoing</b> 70:16</p> <p><b>open</b> 17:5 64:6,9 77:13</p> <p><b>opening</b> 59:22</p> <p><b>operate</b> 6:21 8:2,12,19 16:3 48:25 59:1 72:21</p> <p><b>operated</b> 5:19,21 6:15,21,25 7:3,5,9,14 43:5</p> <p><b>operates</b> 41:2</p> <p><b>operating</b> 31:21 49:6,7 72:20 75:21</p> <p><b>operation</b> 22:11 60:3</p> <p><b>operational</b> 71:4</p> <p><b>operations</b> 2:9 41:2 57:12 65:14 75:9</p> <p><b>opportunities</b> 5:3 8:4 26:18</p> <p><b>opportunity</b> 15:16,21 16:1 26:19 39:19 48:11 49:9</p> <p><b>opposed</b> 16:6 62:14,18,19 64:3</p> <p><b>option</b> 30:6 31:11</p> <p><b>order</b> 5:6 41:8 72:1</p> <p><b>org</b> 10:3 43:22,25</p> <p><b>organization</b></p>	<p>14:16,21 18:6 19:15 21:23 39:15 72:3</p> <p><b>organizational</b> 6:7 39:11 40:8,13 54:17</p> <p><b>organizations</b> 34:23 36:9</p> <p><b>organize</b> 21:7</p> <p><b>original</b> 58:11</p> <p><b>Osage</b> 28:4 38:5,9,20,22 39:3</p> <p><b>OSU</b> 44:12</p> <p><b>others</b> 41:17 70:19 75:24</p> <p><b>otherwise</b> 78:9</p> <p><b>OU</b> 44:9,11</p> <p><b>ours</b> 56:8</p> <p><b>ourselves</b> 3:6 21:7 73:17</p> <p><b>outcome</b> 78:9</p> <p><b>outlined</b> 65:15</p> <p><b>outside</b> 20:10 70:15</p> <p><b>outstanding</b> 61:2</p> <p><b>overall</b> 40:20 65:23</p> <p><b>overhead</b> 9:19</p> <p><b>overlapping</b> 12:19</p> <p><b>overriding</b> 26:10</p> <p><b>oversight</b> 14:24 15:5 70:11,17,25</p> <p><b>overspend</b> 70:13</p> <p><b>owe</b> 65:17</p> <p><b>owned</b> 56:13 74:1,3</p> <p><b>ownership</b> 67:12 72:5</p> <p><b>owns</b> 73:15</p>	<p><hr/><b>P</b><hr/></p> <p><b>p.m</b> 1:10 77:19</p> <p><b>page</b> 11:18 12:2,13,14 13:1 22:7</p> <p><b>pages</b> 58:12</p> <p><b>paper</b> 21:14 24:9</p> <p><b>papers</b> 54:2</p> <p><b>parents</b> 38:14 39:17</p> <p><b>participate</b> 33:25</p> <p><b>participating</b> 34:5 43:7,8</p> <p><b>participation</b> 8:9</p> <p><b>particular</b> 7:19 22:23 23:15 32:5 48:23 49:18 55:9 60:2 64:6 74:5</p> <p><b>particularly</b> 7:21 9:12 49:21 51:3</p> <p><b>parties</b> 70:25 78:7</p> <p><b>partner</b> 32:3</p> <p><b>partnering</b> 32:6 39:1</p> <p><b>partnerships</b> 16:14 31:15 36:20 38:7 72:11</p> <p><b>past</b> 8:20 29:25 47:25 54:21</p> <p><b>patterns</b> 26:8</p> <p><b>Patty</b> 53:5</p> <p><b>pay</b> 32:17 65:19 69:4</p> <p><b>paying</b> 32:12</p> <p><b>payment</b> 49:12</p> <p><b>payments</b> 13:12 48:17</p> <p><b>Peggy</b> 53:6</p> <p><b>people</b> 10:15,22,23,25 11:1,13 18:19,20</p>	<p>26:21 31:1 34:20 35:15 59:15 69:10,22 74:15 75:13</p> <p><b>per</b> 27:22 45:1 67:12</p> <p><b>percent</b> 41:7 49:16</p> <p><b>percentage</b> 43:5</p> <p><b>performance</b> 6:13 11:7 17:20 25:19 30:23 31:4,9</p> <p><b>performed</b> 14:23</p> <p><b>performing</b> 62:17 63:14 64:14 70:10</p> <p><b>perhaps</b> 66:15</p> <p><b>period</b> 67:16,22</p> <p><b>peripheral</b> 5:16,18,22 6:15</p> <p><b>permanently</b> 10:25</p> <p><b>per-pupil</b> 41:24 42:14</p> <p><b>personal</b> 54:17,18</p> <p><b>personally</b> 43:17 44:2 58:20</p> <p><b>person's</b> 36:24</p> <p><b>perspective</b> 14:18 65:13</p> <p><b>pertaining</b> 56:21</p> <p><b>phenomenal</b> 27:22</p> <p><b>philosophy</b> 66:6 71:16</p> <p><b>physical</b> 26:13</p> <p><b>pick</b> 22:5 47:21</p> <p><b>picture</b> 10:12 29:1</p> <p><b>piece</b> 51:23</p> <p><b>Pierre</b> 53:1</p> <p><b>pink</b> 44:3,5,18,22</p> <p><b>PL</b> 49:12</p>
--	---	---	---

<p><b>placed</b> 40:23</p> <p><b>places</b> 19:20 20:6 29:8 31:16 35:6 69:11 72:3 76:8</p> <p><b>placing</b> 28:6</p> <p><b>plain</b> 13:23</p> <p><b>plan</b> 21:21 24:13 40:8 42:11</p> <p><b>planning</b> 10:21 53:17</p> <p><b>plans</b> 44:7 68:6</p> <p><b>play</b> 71:15</p> <p><b>please</b> 37:25 38:1</p> <p><b>pleased</b> 40:2</p> <p><b>point</b> 15:9,25 18:8,25 19:11,22 20:5 27:15,25 35:21 43:15 50:15 59:6,22</p> <p><b>points</b> 34:7 69:25</p> <p><b>Poisoning</b> 55:24</p> <p><b>policies</b> 25:22</p> <p><b>policy</b> 2:7 40:9 41:10 71:17</p> <p><b>political</b> 55:5,9 58:21 64:21</p> <p><b>politics</b> 66:14</p> <p><b>poor</b> 20:25</p> <p><b>population</b> 18:10 19:17,21 23:2 24:25 25:3,7,10 26:9</p> <p><b>populations</b> 19:1 25:25 26:2</p> <p><b>portion</b> 32:7 40:12</p> <p><b>position</b> 21:14 25:13 40:9 41:21 42:8 66:21</p> <p><b>positions</b> 41:9,10 54:16</p> <p><b>positive</b> 34:2 35:12</p>	<p><b>possibility</b> 30:2</p> <p><b>possible</b> 38:24</p> <p><b>possibly</b> 31:22,25 36:7</p> <p><b>posted</b> 45:24</p> <p><b>potential</b> 5:5,15 8:6,7</p> <p><b>potentially</b> 9:10 30:2 33:11 46:17</p> <p><b>powerful</b> 21:25</p> <p><b>PowerPoint</b> 4:12 21:19 22:7 47:16</p> <p><b>practical</b> 41:19</p> <p><b>practices</b> 34:15</p> <p><b>predicaments</b> 28:10</p> <p><b>preliminary</b> 40:17</p> <p><b>prepared</b> 41:12 69:23</p> <p><b>prescribed</b> 55:14</p> <p><b>present</b> 57:24</p> <p><b>presentation</b> 21:18</p> <p><b>presented</b> 52:15 77:14</p> <p><b>presenting</b> 74:13</p> <p><b>presents</b> 17:6</p> <p><b>Preservation</b> 56:16,17 70:20 76:11</p> <p><b>president</b> 8:16 13:2 17:6 39:9</p> <p><b>president's</b> 17:2</p> <p><b>pretty</b> 9:20 11:9 14:5,6 49:19 54:14 74:21</p> <p><b>prevention</b> 55:24 56:16,23 60:7</p> <p><b>previous</b> 17:12</p> <p><b>primarily</b> 43:21</p> <p><b>primary</b> 10:24</p>	<p><b>principal</b> 55:5</p> <p><b>principals</b> 20:24</p> <p><b>principles</b> 63:3 64:14 65:7 74:23</p> <p><b>prior</b> 49:17</p> <p><b>priority</b> 41:3</p> <p><b>probability</b> 29:15</p> <p><b>probably</b> 12:25 23:23 35:14 44:5 45:12,13</p> <p><b>problems</b> 65:20,21</p> <p><b>procedure</b> 70:17 71:17</p> <p><b>procedures</b> 25:22</p> <p><b>proceedings</b> 78:4</p> <p><b>process</b> 14:15 24:17 40:17,25 65:15 70:17</p> <p><b>productive</b> 33:16</p> <p><b>professional</b> 34:12</p> <p><b>profile</b> 19:19 20:13</p> <p><b>program</b> 3:22,25 4:8 8:11,18,22 9:3,22 11:18 17:21 31:7 35:1 53:17 54:9 57:20</p> <p><b>programs</b> 4:6 5:5 6:3,9 8:7 22:17 25:15,19,20,23,2 4 26:2,6,8,11,14 34:25 35:13 37:21 49:6 52:3</p> <p><b>prohibit</b> 54:15</p> <p><b>promote</b> 43:24 44:14</p> <p><b>promotes</b> 35:2</p> <p><b>promoting</b> 39:18</p> <p><b>proper</b> 54:12 57:3 70:12</p> <p><b>proposed</b> 3:21 8:15 17:2 47:24</p>	<p><b>proposing</b> 68:23</p> <p><b>protect</b> 55:17 61:21</p> <p><b>protecting</b> 57:7</p> <p><b>protection</b> 55:23 56:22</p> <p><b>proud</b> 61:2</p> <p><b>proudly</b> 68:7</p> <p><b>provide</b> 4:17 9:11 23:11 24:14 25:14 26:11 35:5 42:16,17 52:9 54:20 59:2</p> <p><b>provided</b> 22:14,17 43:4 53:18 59:1</p> <p><b>providing</b> 16:15 21:15 31:10</p> <p><b>Provision</b> 75:25</p> <p><b>provisions</b> 50:7 55:4</p> <p><b>public</b> 5:20,23 7:5,20 16:16 20:20 21:2 22:10,13,25 23:7 27:10 28:7 30:1,3 31:17 32:3,17 33:23 35:24 37:8,14 38:10 39:25 41:6 42:19,20 48:7,8,22 52:2 54:7 56:22,23</p> <p><b>purchase</b> 33:4</p> <p><b>purpose</b> 26:7 54:17</p> <p><b>purposes</b> 41:22 65:5</p> <p><b>pursuant</b> 55:14</p> <p><b>push</b> 69:17</p> <p><b>putting</b> 49:23</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>quality</b> 4:16 24:15</p>
---	--	---	--

<p><b>quarter</b> 68:9</p> <p><b>question</b> 6:5 11:16  17:8,9,17 26:25  30:4,10 31:14  41:21,24  42:3,6,10,14,22,  25 43:3,6  61:7,23 77:6</p> <p><b>questions</b> 9:24  21:16 24:2 29:24  37:6 39:6,12  40:9 41:4,12,16  43:15 58:16  75:19</p> <p><b>quickly</b> 58:15</p> <p><b>Quinton</b> 21:12  24:1 39:9 45:17</p> <p><b>quite</b> 9:15 71:25</p> <p><b>quote</b> 69:14</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>Raise</b> 46:24</p> <p><b>raised</b> 29:25</p> <p><b>raising</b> 66:24</p> <p><b>range</b> 11:1 40:5  43:14</p> <p><b>rank</b> 42:19,20</p> <p><b>rapport</b> 46:11</p> <p><b>ratchet</b> 72:1,3</p> <p><b>ratcheted</b> 72:2</p> <p><b>rather</b> 15:9 21:8  48:16 63:7,15  75:3</p> <p><b>ratio</b> 33:17</p> <p><b>ratios</b> 33:15 34:3</p> <p><b>Ray</b> 53:3</p> <p><b>reach</b> 72:10</p> <p><b>readily</b> 43:2</p> <p><b>real</b> 60:1,20</p> <p><b>realign</b> 5:25</p> <p><b>realize</b> 39:7 40:23</p>	<p><b>realizing</b> 66:14</p> <p><b>really</b> 10:4 15:3,16  16:14 19:22  20:11 21:24 28:1  30:22 34:15  35:14,17 36:14  45:14 50:12  58:22 59:1,2,19  62:5,20 63:23  68:5 70:2,23  72:10,15,18</p> <p><b>reason</b> 12:24  54:10</p> <p><b>receipt</b> 53:12</p> <p><b>receive</b> 48:15</p> <p><b>received</b> 47:23  49:17 54:22</p> <p><b>receiving</b> 22:21,23</p> <p><b>recent</b> 54:21</p> <p><b>recently</b> 65:3</p> <p><b>receptive</b> 34:8</p> <p><b>recess</b> 14:4 47:13</p> <p><b>recognize</b> 41:7  72:14</p> <p><b>recognized</b> 24:24  43:23</p> <p><b>recommend</b> 52:14  61:14 62:15</p> <p><b>recommendation</b>  24:17 25:11  37:10 76:20</p> <p><b>recommendations</b>  24:8,17 26:20  39:5 45:20 77:4</p> <p><b>recommended</b>  52:7,11,19</p> <p><b>records</b> 54:2 74:21</p> <p><b>red</b> 57:24 66:8  69:18</p> <p><b>reduce</b> 9:7 64:1</p> <p><b>reduced</b> 3:25 4:5  5:6,25</p>	<p><b>reducing</b> 22:2</p> <p><b>reduction</b> 4:7,9,22</p> <p><b>reductions</b> 5:4 8:6  9:18 11:18,20</p> <p><b>reestablish</b> 25:11</p> <p><b>reevaluating</b> 32:20</p> <p><b>referred</b> 48:22</p> <p><b>reform</b> 70:6</p> <p><b>regard</b> 64:8</p> <p><b>regarding</b> 40:9</p> <p><b>Region</b> 2:2,5  3:8,10</p> <p><b>regional</b> 10:5  14:10 24:19</p> <p><b>regions</b> 22:8</p> <p><b>registration</b> 47:20</p> <p><b>regularly</b> 63:9</p> <p><b>regulation</b> 58:9</p> <p><b>regulations</b>  57:18,19 60:6</p> <p><b>related</b> 13:11  39:20 54:2 78:7</p> <p><b>relative</b> 18:19  59:20 75:8</p> <p><b>relatively</b> 14:16</p> <p><b>release</b> 74:5</p> <p><b>released</b> 40:16</p> <p><b>relocated</b> 10:25</p> <p><b>remaining</b> 8:2</p> <p><b>remember</b> 37:25</p> <p><b>reorganization</b>  23:4,19 40:11</p> <p><b>report</b> 40:15 45:19  57:3</p> <p><b>REPORTED</b> 1:17</p> <p><b>Reporter</b> 78:3</p> <p><b>reporting</b> 1:18  49:11,14 78:16</p> <p><b>reports</b> 35:10</p>	<p><b>representative</b>  54:1</p> <p><b>representatives</b>  52:9,19</p> <p><b>represented</b>  37:14,22,23</p> <p><b>representing</b>  21:13 37:18</p> <p><b>Republican</b> 44:24</p> <p><b>request</b> 3:21 9:22  13:2</p> <p><b>requested</b> 13:9</p> <p><b>require</b> 5:17 8:8  26:3 49:4 56:24</p> <p><b>required</b> 48:18  55:25 57:9</p> <p><b>requirements</b>  49:11,14 51:5,25  52:1 57:18 58:9</p> <p><b>requires</b> 57:2</p> <p><b>Research</b> 25:1</p> <p><b>reservation</b>  43:19,22</p> <p><b>reservations</b> 6:20  39:23,25</p> <p><b>reside</b> 25:1</p> <p><b>residential</b>  25:12,13,14,15,1  9,20  26:2,6,11,14</p> <p><b>residual</b> 9:13</p> <p><b>resigned</b> 46:4,7</p> <p><b>resistant</b> 62:10</p> <p><b>resolved</b> 68:3,8</p> <p><b>resort</b> 1:12 67:23</p> <p><b>resource</b> 8:6 14:24  40:20</p> <p><b>resources</b> 5:5  14:18 22:2 26:3  29:20 34:21  36:6,23 40:10  41:10 49:21</p>
---	--	---	---

<p>61:10 <b>respect</b> 69:9 72:18 <b>respective</b> 20:15 42:7 <b>respond</b> 61:14 62:4,5 <b>response</b> 68:21 <b>responsibility</b> 23:5 71:21 <b>responsible</b> 5:15 67:24 68:5 <b>responsive</b> 15:6 <b>responsiveness</b> 6:2 <b>rest</b> 4:6 24:9 45:22 58:2 <b>restricted</b> 59:5 <b>restrictive</b> 58:24 <b>restructuring</b> 6:10 <b>result</b> 26:1 49:24 51:14 <b>retain</b> 24:18 <b>retirement</b> 9:5 <b>revenue</b> 42:14 <b>review</b> 39:11 52:14 <b>reviewed</b> 40:15 49:2 <b>reviews</b> 51:6 68:10,13 <b>revised</b> 50:20 <b>revision</b> 74:7 <b>revisions</b> 50:16 74:10 <b>rid</b> 31:1 <b>rights</b> 42:23 <b>rises</b> 25:3 <b>risk</b> 19:2 <b>Riverside</b> 27:22 29:4 43:18 46:4,6,7</p>	<p><b>road</b> 28:23 61:20 <b>Robert</b> 16:22 72:8 73:4 74:11 <b>Rock</b> 53:5 <b>Roessel</b> 2:5 3:7 15:13 <b>role</b> 71:14 <b>rolls</b> 67:10 <b>Roman</b> 21:11,12 38:7 39:7,9 <b>room</b> 44:4,18,22 <b>Roxanne</b> 2:2 3:9 5:10 14:10 16:6 <b>rules</b> 67:14 <b>run</b> 32:6 61:16 <b>running</b> 32:23,24 44:13</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p><b>safe</b> 55:22 71:6,7 74:25 77:17 <b>safeguard</b> 76:7 <b>safeguards</b> 54:15 <b>safety</b> 55:14,18 56:4 63:4 <b>sake</b> 72:20 <b>salaries</b> 8:21 <b>sat</b> 52:24 54:21 <b>satisfaction</b> 68:8 <b>save</b> 27:21 30:25 40:18 <b>saving</b> 65:25 <b>savings</b> 9:18 65:16 <b>saw</b> 9:14 <b>SCA-like</b> 21:23 <b>schedule</b> 45:7 <b>school</b> 4:17 7:19,20 15:17,24 16:2,16 18:14 20:20 21:2 22:12,25 23:15</p>	<p>26:6 27:8,10,11,18,21 ,23 28:7,16,20 29:6 31:20 32:5,6,13 33:23 34:5 35:9 36:5 37:13,21 38:8 39:17 41:6,20 42:1 43:18,20 44:22,25 45:2 46:4,6,7,9 49:6 50:21 53:3,7,20 54:10,22,24 56:3,12 59:1 61:13 68:2 69:5 71:2,6,22 73:10</p> <p><b>schools</b> 4:20 5:14,17,20,21,23 6:15,24,25 7:3,4,5,8,13,15,1 8,24,25 9:15 16:3 22:10,13 23:8 25:25 27:6,14,19 28:19 29:1,7,25 30:1,3,4 31:17 32:3 33:11,13 34:13,17 35:3,15,19,23,24 36:1,4,11,13 37:8,15,23 38:10,22 39:1,25 40:25 41:8 42:6,10,13,15,16 ,17,20,24 43:5,19,21,22 45:4,8 46:4,6,12 48:5,23,24 49:23 50:18,25 51:6,8,12,19 52:10,12 53:12,19 54:19,23 55:17,18 56:25 57:5,7 60:24 61:2,4,15 62:3,9 65:14,17,25 66:1,20,25 67:11,17,18,19,2</p>	<p>0,21 68:1,18 69:2 72:12,21,24 <b>science</b> 19:4,6 <b>scope</b> 48:18 49:11,14 70:15 <b>scores</b> 35:11 38:17 <b>se</b> 67:12 <b>SEA</b> 41:22 <b>seal</b> 78:11 <b>seats</b> 47:16 <b>sec</b> 16:13 <b>second</b> 18:15 19:3,8 <b>secondary</b> 5:16 18:11 19:8 51:25 58:1 <b>Secretary</b> 2:8 <b>section</b> 54:8 56:15 76:12 <b>sections</b> 54:7 <b>seeing</b> 18:14 19:3 <b>seeking</b> 4:12 50:16 <b>seemed</b> 20:3 <b>seems</b> 18:17 19:12 20:23 27:5,14,20 59:19,22 60:19 62:21 63:6,12 64:22 70:10,14,18,22 71:2,10 <b>seen</b> 4:23 12:20 34:2 66:24 <b>self-assess</b> 67:1 <b>self-correcting</b> 66:22 <b>self-determination</b> 48:9,12 <b>self-governance</b> 48:12 <b>Seminary</b> 33:20 <b>Seminole</b> 46:2</p>
---	--	--	---

<p><b>send</b> 35:6  <b>Senior</b> 2:7  <b>sense</b> 19:7,17 22:2  59:24 72:5  <b>sent</b> 52:18 67:1  <b>separate</b> 16:7  27:19 30:14  <b>separated</b> 42:16  <b>separately</b> 17:21  <b>Separation</b> 9:3  <b>series</b> 65:18  <b>serve</b> 4:19 31:10  41:15 43:21,22  73:2  <b>served</b> 4:17 23:13  40:22  <b>service</b> 6:4 9:11,13  43:22  <b>services</b> 5:16,25  8:8 16:15 24:15  26:8 31:10 54:20  <b>serving</b> 6:19 41:14  42:20 54:24  <b>session</b> 3:4 39:8  47:15  <b>sessions</b> 41:12,18  <b>setting</b> 33:23 34:4  <b>settlement</b> 68:24  69:4  <b>seven</b> 15:15  37:23,24 41:7  46:25 52:21  <b>several</b> 60:8  <b>shaping</b> 30:21  <b>share</b> 4:9 34:25  36:22,25  <b>sharing</b> 5:4 8:6  40:21  <b>sheet</b> 12:23  <b>sheets</b> 12:17  <b>she'll</b> 28:5</p>	<p><b>Sherry</b> 53:6  <b>she's</b> 28:4  <b>shifting</b> 32:19 33:1  <b>Shirley</b> 53:1  <b>shortened</b> 58:10  <b>shorter</b> 64:23  <b>Shorthand</b> 78:2  <b>showed</b> 16:25  24:25 25:1 68:13  <b>showing</b> 52:16,23  <b>shows</b> 13:2  <b>shrinks</b> 66:15  <b>sides</b> 75:18  <b>sign</b> 53:12  <b>significant</b> 25:24  <b>similar</b> 40:15  <b>simple</b> 66:5  <b>simply</b> 8:20  <b>Single</b> 57:10  <b>single-pane</b> 32:24  <b>sit</b> 38:14,15 49:13  52:10 67:9 74:10  <b>site</b> 67:17 68:9,10  <b>sites</b> 9:13  <b>sitting</b> 17:24 18:1  45:11  <b>situations</b> 18:18  65:20  <b>six</b> 14:12 37:23  41:7  <b>skill</b> 20:17 28:8  <b>skills</b> 43:25  <b>sleep</b> 53:9  <b>slide</b> 5:13 9:14  10:6 16:24  <b>slides</b> 12:15,17,18  <b>slight</b> 57:14  <b>slim</b> 11:9</p>	<p><b>small</b> 29:3 30:10  <b>smaller</b> 33:17 34:3  <b>smart</b> 65:25 75:22  <b>smartly</b> 63:14  64:20  <b>Smith</b> 2:9  <b>social</b> 26:1,12  28:10 43:10  <b>society</b> 28:14  <b>Solicitor's</b> 68:11  <b>somebody</b> 44:16  <b>someone</b> 4:9  28:6,7 33:17  <b>somewhat</b> 70:16  <b>somewhere</b> 11:6  31:12  <b>sorry</b> 12:11 61:19  <b>sort</b> 58:21 70:4,6  <b>sound</b> 74:21  <b>soundness</b> 67:14  <b>sounds</b> 19:22  30:5,6 36:15  <b>source</b> 32:16,19  42:2  <b>sources</b> 36:16,23  42:16  <b>South</b> 25:5 53:2,7  <b>southeast</b> 6:18  <b>Southern</b> 61:1  <b>sovereign</b> 61:16  <b>sovereignty</b> 43:10  59:24 61:4,21  63:8 64:2,5,9  71:14  72:15,18,23  <b>speak</b> 16:21 17:5  64:13  <b>SPEAKER</b> 11:11  12:3,7,15,16  46:21</p>	<p><b>speakers</b> 12:19  <b>speaking</b> 38:21  <b>Spears</b> 24:4,5  <b>Special</b> 10:20  <b>Specialist</b> 25:13,21  <b>specialists</b> 17:24  18:1  <b>specialty</b> 20:1  <b>species</b> 55:23  <b>specific</b> 15:20,21  16:1 19:18 69:9  <b>specifically</b> 55:1  <b>specificity</b> 16:8  <b>spell</b> 58:7  <b>spelling</b> 49:6  <b>spending</b> 29:21  64:12  <b>spent</b> 66:6  <b>spoken</b> 45:19  <b>Springs</b> 32:8  <b>staff</b> 2:6 9:13  10:5,8,13,16,17,  20,24 11:3 14:17  20:24 25:14  34:13 35:18  56:25 67:2 68:2  <b>staffing</b> 5:4 8:5  26:8  <b>stagnate</b> 66:4  <b>standard</b> 43:10  50:17 63:3  <b>standards</b>  25:20,22  42:8,9,11,12  43:8,9 54:14  55:14 60:25  75:13  <b>start</b> 3:6 66:14  <b>started</b> 3:4 47:17  <b>starting</b> 30:16  34:8 43:15</p>
---	---	---	---



<p><b>state</b> 23:3 25:8 38:18,21 39:25 41:22 42:7,11 55:13 60:25</p> <p><b>stated</b> 73:13</p> <p><b>statement</b> 50:1,14,18,23 51:2,21,24 52:5,7 53:11 54:11 55:3,9,12 56:20 58:12,17 62:15 64:3 75:4 76:14</p> <p><b>statements</b> 46:18 47:7 48:3 49:25 50:6 52:6,23 53:8 58:14 64:25 72:13 77:8,9</p> <p><b>states</b> 4:21 6:14,16,19 9:15 25:2,5 29:8 49:15 56:3 57:17</p> <p><b>state's</b> 42:7</p> <p><b>States</b> 23:3 24:23 35:1 36:12 38:19 53:25</p> <p><b>statistically</b> 29:16</p> <p><b>statistics</b> 18:12,23 20:13,14</p> <p><b>statute</b> 57:12</p> <p><b>statutes</b> 55:20,21,25 56:24 58:5 60:6</p> <p><b>statutory</b> 20:5</p> <p><b>stay</b> 48:2</p> <p><b>stem</b> 19:5</p> <p><b>step</b> 62:8 70:19 72:22</p> <p><b>steps</b> 71:19</p> <p><b>Stevens</b> 5:11</p> <p><b>sticking</b> 77:7</p> <p><b>Stoops</b> 44:11</p> <p><b>stop</b> 32:4,5</p>	<p><b>straightforward</b> 54:14</p> <p><b>strategy</b> 41:19</p> <p><b>streamline</b> 4:13 19:12 44:6</p> <p><b>streamlining</b> 1:4 3:15,18 4:11,12 5:25 11:17 24:12,13,17 30:11,23 31:4 39:12 40:8,13,17,19,25 44:19 45:9</p> <p><b>stress</b> 46:5</p> <p><b>stretching</b> 6:17</p> <p><b>stronger</b> 26:3 72:4,5</p> <p><b>structure</b> 6:7 67:13</p> <p><b>student</b> 6:2,3 11:19 20:12 21:8 23:25 25:17,24 26:2,9 27:5,15,22 41:2 43:1 63:4 65:23 66:3,9 71:8</p> <p><b>students</b> 4:17,18 5:20,22 6:4,20 16:15 19:23 20:25 22:9,10,13,18,21 ,25 23:5,9,13,14 25:10,23 26:14 27:4,17,24 28:10,20 29:3,6,7,14,15 30:2 31:10 33:16,22,24 35:11 37:13,15,19,20,2 5 39:18,21,22 40:22,25 41:6,15 42:17,19,21 43:14,23,24 55:18 57:7 72:13,24 73:2</p>	<p><b>Studies</b> 43:10</p> <p><b>stuff</b> 64:21</p> <p><b>submission</b> 12:21</p> <p><b>submit</b> 40:16 49:4 62:15</p> <p><b>submitted</b> 52:18</p> <p><b>subscribe</b> 63:4</p> <p><b>suburb</b> 37:8</p> <p><b>succeed</b> 18:21 19:8,24 26:14</p> <p><b>success</b> 18:11,13,22 29:15,18 41:3</p> <p><b>suffering</b> 18:12</p> <p><b>suffice</b> 55:16</p> <p><b>sufficient</b> 9:16</p> <p><b>suggest</b> 34:14</p> <p><b>summaries</b> 6:24</p> <p><b>summarized</b> 75:2</p> <p><b>summary</b> 12:17,23</p> <p><b>summer</b> 36:18,25</p> <p><b>superintendents</b> 71:22</p> <p><b>supplies</b> 35:25</p> <p><b>support</b> 5:17 8:8 11:3 19:25 20:1 25:15,17 28:2 37:10 40:20 41:5 42:3 43:4,9</p> <p><b>supported</b> 26:16</p> <p><b>supports</b> 26:12</p> <p><b>supposed</b> 45:4 54:20</p> <p><b>sure</b> 14:9 18:16 20:4 22:19 23:22 45:11 47:11,21,25 51:5 56:9 57:6 60:11 61:8 63:2,19 64:7,17 65:9 72:2 73:25 77:9</p>	<p><b>Swim</b> 53:7</p> <p><b>system</b> 4:17,19 7:20 15:24 16:16 21:2 27:18,24 29:6 32:2 41:20 51:15,16,18 53:22 54:13 71:11 73:11</p> <p><b>systems</b> 16:16 20:20 22:12 28:7,16,19 42:1 56:3 70:24 72:14 74:22</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p><b>table</b> 45:11 47:20</p> <p><b>taking</b> 17:19 27:13</p> <p><b>Talayumptewa</b> 2:3 3:11,12,18 10:7,10,17 11:2,4,12,21,24 12:1,8,11,20,24 13:5,15,18,22,25 14:3,6,9 15:12 16:11 17:14,18 18:7 21:9 23:22 26:23 27:2 29:19 30:13,18,22 31:2 33:7 34:19 36:14 38:2 39:4 45:17 46:13,22 47:2,6,10,18 58:25 59:8,14,18 60:1,10 61:6,9,12,22 62:1,13,24 63:19,25 64:17 65:9 72:7 73:18,25 74:16 75:4,6,15,20,25 76:5,10,18,24 77:1,14</p> <p><b>talk</b> 11:23 23:25 44:5 46:24 52:11 74:10</p> <p><b>talked</b> 47:19 60:18</p> <p><b>talking</b> 10:8 12:1</p>
--	---	---	---

<p>13:21 20:10,18  28:3 36:20 64:21  76:1,8,22  <b>target</b> 9:6  <b>targets</b> 9:19  <b>task</b> 21:19  <b>teacher</b> 42:23,24  <b>teachers</b>  35:6,18,25 39:17  42:22  <b>team</b> 44:12,13,14  <b>technical</b> 15:19,20  18:3 19:25 20:17  24:20 28:2  <b>technology</b> 19:5,6  <b>ten</b> 10:15,17 11:1  <b>terms</b> 8:10 9:1  15:15 16:5,19  30:7 48:24 58:7  64:14 66:13  67:3,14 69:20  71:6 72:19 74:4  <b>test</b> 35:11 38:16  <b>testimony</b> 41:9  <b>testing</b> 35:24  <b>Texas</b> 25:2 78:3  <b>thank</b> 21:10 24:1  26:23 33:7 37:4  38:2,3 39:4  45:16,17  46:12,13 47:18  60:11 62:5,24  74:17  77:1,4,6,17  <b>thanks</b> 45:21  47:12  <b>that's</b> 3:24 4:3  5:13 6:21,25  7:10 8:23  9:15,20 12:12  13:14,21,23,24,2  5 15:7,24 16:4  17:3 18:3  21:24,25 22:1,3</p>	<p>23:17 26:23  27:15 28:22  29:24 30:4,6  31:5 33:2 34:4,9  37:24 43:16  44:21 49:19  51:20 52:15  54:10,14 57:5  58:10 59:20 61:6  62:5 63:8 66:7  69:18,24  70:14,18 71:13  72:2 73:4,10,21  74:13  <b>theirs</b> 36:12  <b>themselves</b> 48:13  <b>theory</b> 21:24  <b>therapeutic</b>  33:13,18  <b>there's</b> 6:5 11:12  13:10 16:7 22:20  27:7,10,11 28:13  32:2,16 33:2  34:22 44:3,4,20  45:19 51:3  57:5,15 58:11  59:6,9 60:8  61:23 63:12 64:8  66:17 69:12,17  70:11,25 71:1,24  76:23 77:5  <b>they'll</b> 76:16  <b>they're</b> 5:14 11:8  17:22 20:22  22:23 28:6,18  30:14 31:17  32:11 33:25 34:8  35:20 36:3 47:20  49:6 50:8  51:8,13 54:20  61:18 65:20  68:13,14 71:23  76:8 77:12  <b>they've</b> 32:15  63:22  <b>third</b> 18:16 19:3,8</p>	<p><b>thoughts</b> 33:5  60:18 64:10,11  <b>threaten</b> 50:8  <b>threatened</b> 67:25  <b>throughout</b> 5:7  9:13 43:23  <b>Thunder</b> 44:9  <b>tickler</b> 67:1  <b>tie</b> 47:2  <b>tied</b> 30:11  <b>till</b> 77:15  <b>Tippeconie</b> 16:22  17:15 18:5,8  27:1,3 38:6  58:18  59:4,9,15,19  60:9 61:21  63:1,20 64:10,18  70:4,8 74:19  75:5,8,16,21  76:3,6,11,21,25  <b>title</b> 17:23 56:10  <b>Todacheene</b> 37:2  <b>T-O-D-A-C-H-E-</b>  <b>E-N-E</b> 37:2  <b>today</b> 10:11 14:4  21:13 24:8  46:18,24 47:18  49:3,21 72:9  <b>tomorrow</b> 22:20  23:12 40:7  46:20,21,22  47:1,8  <b>tonight</b> 23:11  <b>tons</b> 59:16  <b>Tony</b> 12:10  <b>tools</b> 35:7  <b>topics</b> 23:24 40:5  <b>total</b> 7:2,6,8,13,15  10:7,13,16,17  <b>totally</b> 16:17 58:23  <b>touch</b> 69:25</p>	<p><b>towards</b> 48:11  62:8 71:19  <b>track</b> 51:18  <b>traditionally</b>  14:22  <b>training</b> 25:14  35:5  <b>transcription</b> 78:4  <b>transfer</b> 50:24  <b>transition</b> 33:24  <b>trapped</b> 21:6  <b>TRASLAVINA-</b>  <b>KERR</b> 1:17  78:2,15  <b>trauma</b> 26:5  <b>tribal</b> 1:3 4:13 6:3  22:10 23:7 27:11  34:16 36:6 39:16  41:6 43:4,10  50:16 53:25  55:7,13 57:19  72:18 73:1  <b>tribally</b> 4:20 5:21  7:3,10,23 8:1  43:4 48:22  <b>tribally-controlled</b>  48:5 50:18,21,24  52:12 53:12  54:19 72:21  <b>tribally-owned</b>  51:8  <b>tribe</b> 8:9 16:6  49:1,5,9 53:5  56:11 64:2 73:15  74:2 75:11  <b>tribes</b> 5:18,19 6:20  7:14 9:12 16:15  17:4 19:1,13  20:15 22:16  24:24 27:9 29:5  36:9,22 37:18  46:11 48:11 64:5  72:11 74:3 75:17  <b>tribe's</b> 62:23</p>
--	---	---	---

<p><b>trip</b> 77:17</p> <p><b>trouble</b> 63:16</p> <p><b>truancy</b> 38:15</p> <p><b>trust</b> 23:5 59:23 61:17 70:6</p> <p><b>try</b> 4:16 12:9 15:25 16:1 22:3 56:14 62:1 69:21</p> <p><b>trying</b> 14:17 15:25 20:21 21:7 29:2 46:9 56:8 61:3 66:19 69:7</p> <p><b>Tso</b> 53:4</p> <p><b>Tsodie</b> 31:13</p> <p><b>Tuesday</b> 68:12</p> <p><b>turn</b> 19:9,16 24:9 26:21 43:16</p> <p><b>turned</b> 6:10</p> <p><b>two-headed</b> 71:9</p> <p><b>two-page</b> 50:1</p> <p><b>two-pager</b> 58:13</p> <p><b>TX</b> 1:17 78:15</p> <p><b>type</b> 22:21 27:7 32:25 34:9,14,24</p> <p><b>types</b> 6:25 41:6 66:23,25 68:13 70:3</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p><b>Uh-huh</b> 59:18</p> <p><b>ultimately</b> 66:9 67:24 68:1 69:23</p> <p><b>uncomfortable</b> 60:21</p> <p><b>understaffed</b> 15:3</p> <p><b>understand</b> 10:25 14:13 17:1 40:12 41:9 65:11 66:19 73:7,11</p> <p><b>understanding</b> 23:18 75:22</p>	<p><b>understands</b> 24:11</p> <p><b>undertaken</b> 40:14</p> <p><b>undervalue</b> 46:3</p> <p><b>underway</b> 43:11</p> <p><b>unfortunately</b> 22:9 23:22 44:8 57:4</p> <p><b>unhappy</b> 60:20</p> <p><b>unionized</b> 20:22</p> <p><b>unions</b> 21:3</p> <p><b>unique</b> 39:20 67:8</p> <p><b>United</b> 23:3 24:22 35:1 36:12 38:19 53:24</p> <p><b>University</b> 44:16</p> <p><b>unmicrophoned</b> 11:11 12:3,7,15,16,19 46:21</p> <p><b>upcoming</b> 40:4</p> <p><b>upgrading</b> 31:25</p> <p><b>upon</b> 53:12</p> <p><b>urban</b> 39:24</p> <p><b>usually</b> 51:1</p> <p><b>utility</b> 32:25</p> <p><b>utilize</b> 31:8,24 42:7</p> <p><b>utilizing</b> 9:2</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p><b>Valerie</b> 37:1</p> <p><b>valuable</b> 29:11 66:24</p> <p><b>value</b> 29:10 33:3 41:11</p> <p><b>varies</b> 71:15</p> <p><b>various</b> 50:5</p> <p><b>VERA</b> 9:9</p> <p><b>verbiage</b> 64:23</p> <p><b>versus</b> 10:4 14:21</p>	<p>36:13</p> <p><b>view</b> 40:21 41:1</p> <p><b>Violence</b> 56:23</p> <p><b>virile</b> 45:14</p> <p><b>vision</b> 65:13</p> <p><b>visits</b> 67:17 68:10</p> <p><b>vital</b> 26:20</p> <p><b>Volume</b> 1:8 77:19</p> <p><b>Voluntary</b> 9:3</p> <p><b>volunteer</b> 34:21</p> <p><b>VSIP</b> 9:3,9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p><b>wage</b> 42:24</p> <p><b>wait</b> 21:16 46:19 47:1</p> <p><b>waiting</b> 46:8</p> <p><b>wake</b> 60:13</p> <p><b>walk</b> 53:10</p> <p><b>warm</b> 33:1</p> <p><b>warning</b> 3:3</p> <p><b>Washington</b> 4:2 6:18 10:2 11:10 53:4 78:17</p> <p><b>water</b> 55:22</p> <p><b>ways</b> 4:13</p> <p><b>weak</b> 70:19 71:10</p> <p><b>weakness</b> 18:14</p> <p><b>website</b> 4:24 5:2 10:11 34:15 50:2 77:16</p> <p><b>we'd</b> 3:5 36:21 45:24 53:12 58:6 63:10</p> <p><b>week</b> 36:19 38:23,24</p> <p><b>welfare</b> 63:4</p> <p><b>we'll</b> 3:6 4:8 11:23 14:3 21:15 47:3,4,7,17</p>	<p>51:21 60:11 69:1,2</p> <p><b>we're</b> 3:3,14 4:10,11,15 5:3,13 6:16,19 8:5,14,25 9:7,8,10,12,16,2 11:10 15:12:8 14:17,23 15:16,25 16:18 18:9,12,14 19:3,14 20:21 22:19 24:5 27:6 29:21,22 31:7,8,11 32:24 36:10 38:18 44:6,7 45:7 47:14 49:23 50:9 52:15,23 55:25 56:7,9 57:6,15 59:25 60:17,20,21,24,2 5 61:2,3,5 62:4,10,19,20 64:20 66:19 68:5,15,23,24 69:9,19 70:2 71:19 73:14,16,20,22 74:12,13 75:13,21</p> <p><b>west</b> 5:11 7:12,15 11:14 52:8</p> <p><b>western</b> 29:8</p> <p><b>we've</b> 7:20 8:20 15:5,18 17:18 18:2 34:2 46:20 47:16 49:22 50:4,13 54:4,21 55:1 56:2 58:10,12 66:24 69:16</p> <p><b>whatever</b> 20:1,17 33:4 65:8 74:8 75:22</p> <p><b>whatnot</b> 58:20 70:21</p>
---	---	---	---

<p><b>whenever</b> 33:24 34:6 35:4</p> <p><b>whether</b> 36:4 40:24 51:8 58:7 67:18</p> <p><b>whoever</b> 74:11</p> <p><b>whole</b> 29:1 55:6 59:12 60:21 73:9</p> <p><b>wholeheartedly</b> 72:4</p> <p><b>who's</b> 22:25</p> <p><b>whose</b> 55:5</p> <p><b>wide</b> 40:5</p> <p><b>willing</b> 34:20 46:19 68:24</p> <p><b>Window</b> 53:4</p> <p><b>windows</b> 32:24</p> <p><b>wintertime</b> 32:24</p> <p><b>wish</b> 28:12</p> <p><b>Witness</b> 78:11</p> <p><b>wondering</b> 46:17</p> <p><b>wording</b> 59:5 63:6 71:5</p> <p><b>work</b> 20:21 23:7 36:3 41:18 48:18 49:11,14 56:7,14 66:19 68:1 72:19,25 73:1,3 74:8</p> <p><b>worked</b> 14:19 33:21</p> <p><b>working</b> 14:12 15:5 24:14 68:6 71:19</p> <p><b>workman's</b> 13:11</p> <p><b>works</b> 49:19</p> <p><b>wrap</b> 77:8</p> <p><b>write</b> 64:24</p> <p><b>writing</b> 39:13 45:23</p> <p><b>written</b> 77:15</p>	<p><b>www.CapitalReportingCompany.com</b> 78:18</p> <p><b>Wyoming</b> 25:6</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p><b>yesterday</b> 68:12</p> <p><b>yet</b> 4:16 68:16</p> <p><b>yielding</b> 59:24 63:8,10</p> <p><b>you'll</b> 6:16 7:4 23:25 47:16</p> <p><b>young</b> 18:19,20 26:21</p> <p><b>yours</b> 12:10</p> <p><b>you've</b> 4:23 16:19 36:15 60:5,6,7</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p><b>zone</b> 68:15</p>		
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