

U.S. DEPARTMENT OF EDUCATION

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JANUARY 26, 2021 PRESIDENTIAL MEMORANDUM
ON TRIBAL CONSULTATION AND STRENGTHENING
NATION-TO-NATION RELATIONSHIPS

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MONDAY
APRIL 19, 2021

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The Tribal Consultation met via
Videoconference, at 2:00 p.m. EDT, Ron Lessard,
Moderator, presiding.

PRESENT

RON LESSARD, Acting Executive Director, White
House Initiative on American Indian and
Alaska Native Education, U.S. Department
of Education

JULIAN GUERRERO, JR., Director, Office of
Indian Education, U.S. Department of
Education

RUTH RYDER, Deputy Assistant Secretary, Office
of Elementary and Secondary Education,
U.S. Department of Education

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ALSO PRESENT

AMI ADMIRE, Rincon Band of Luiseño Indians
CHERYL ANDREWS-MALTAIS, Chairwoman, Wampanoag
Tribe of Gay Head (Aquinnah)
BARBARA BUTTES, Ph.D.
EDWINA BUTLER-WOLFER, Education Director, Sac
and Fox Nation
J. MICHAEL CHAVARRIA, Governor, Pueblo of Santa
Clara
CECILIA FIRE THUNDER, Oglala Sioux
JOE GARCIA, Head Councilman, Ohkay Owingeh
SARAH PRICE, Muscogee (Creek) Nation
LISA RIEGER, Chief Legal Counsel, Cook Inlet
Tribal Council
ISAAC SALCIDO, Director, Gila River Indian
Community
BRIAN VALLO, Governor, Pueblo of Acoma
PATRICIA WHITEFOOT, Yakama Nation, 2nd Vice
President, Board of Directors, National Indian
Education Association

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

2:01 p.m.

MS. RICHARDSON: Hello and welcome to the U.S. Department of Education's Tribal Consultation Session regarding the January 26th, 2021 presidential memorandum on tribal consultation and strengthening nation-to-nation relationships.

Next slide.

Online participants will be muted for most of the session. To ask a question, please type in the instant Q&A window located on the toolbar at the bottom of your webinar window, and the presenter will receive your question. Questions and comments will be read out loud by the moderator. Comments will be received, first, from tribal government officials. Comments from the public will be received following those of all tribal government officials. Instructions for submitting written comments will be shared during the consultation near the end of the session.

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Should you need support, please contact our toll-free technical assistance line at 866-648-0654, press 0, or email Mark Taylor at mtaylor@tribaltechnllc.com.

Next slide.

In the event technical issues arise, a traditional conference call line will be used to continue the tribal consultation session. And email with the conference call number and additional instructions will be sent out to everyone registered for the consultation event. The traditional conference call line will be utilized in the event the Zoom webinar platform becomes compromised.

Next slide.

At this time, I would like to introduce your moderator, Mr. Ron Lessard, Acting Executive Director for the White House Initiative

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on American Indian and Alaska Native Education.

MR. LESSARD: Thank you, Mardella.

And good afternoon, good morning if you're on the West Coast and in Alaska. We appreciate you joining us today.

Yes, my name is Ron Lessard. I am Mohawk. I am the Acting Executive Director for the White House Initiative on American Indian and Alaska Native Education, but I also serve as the tribal consultation official for the Department of Education, and I serve on the Alyce Spotted Bear and Walter Soboleff Commission on Native Children.

Next slide, please.

So, looking at the consultation structure, I want to go through this now and I may reiterate some of this later. But all lines have been muted. The tribal consultation and the webinar audio/video is being recorded. Participants will be given the opportunity to present remarks and comments following the presentation of the consultation topics.

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Comments will be received first from tribal government officials. Comments from the public will be received after. Instructions for submitting written comments will be shared.

And when speaking, please state your first and last name, along with your title, tribal affiliation, and organization before you deliver your comments.

Please submit comments to the tribal consultation topics. Please limit comments -- I'm sorry -- to tribal consultation topics. Thank you.

Next slide.

So, this is our agenda for today: our welcome. We're going to give you an overview of background, consultation questions, tribal leader comments, public comments, and we'll adjourn. And we'll provide some additional information on where to send your comments in writing, if you choose to do so. Thank you.

Next slide.

So, it's always my honor to bring --

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the Department of Education staff, and leadership especially, are so willing to join us. We have two guests today that I really honor very much. And I want everyone out there to know that both Ruth Ryder, who is the Deputy Assistant Secretary for Office of Elementary and Secondary Education, and Julian Guerrero, Jr., Director of the Office of Indian Education, are so committed to Indian Country and the work that we are doing. And it's really my honor to introduce them, and I'll start out with introducing Ruth.

And thank you, Ruth, for all you do for Indian Country and all you do for our Native children and our tribal communities. We really appreciate it. Thank you.

MS. RYDER: Thank you so much, Ron. And I want to thank you for the leadership that you provide in the Department, and especially in your role as the tribal consultation official. We work with you in many capacities and appreciate your support and your ongoing commitment to our Native youth.

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And we're very pleased to be here today for the consultation session. We really are looking forward to hearing from tribal leaders and others on implementing the Executive Order 13175, which is from November 6th, 2000. It was reiterated and really very clear in a memorandum of January 26th, 2021, how important this Executive Order was.

And we know that we have much to learn from tribal nations, and strong communication is fundamental to a constructive relationship. Here at the Department, we recognize the importance of having a meaningful and timely consultation process to solicit input on policies that have tribal implications, as well as the importance of regular communication. And we are committed to both.

With so much happening in the world now, consulting on our activities is even more critical than ever to ensure that we're getting the most useful resources out the door to communities that need them the most. Along that

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line, I want to highlight an upcoming tribal consultation opportunity. I will invite tribal leaders interested in commenting on the Office of Elementary and Secondary Education, the Office of Indian Education, upcoming tribal consultation on April 26th from 1:00 to 4:15 Eastern Time.

The Department received \$20 million under the American Rescue Plan for awards to tribal education agencies for activities authorized under Section 6121(c) of the Elementary and Secondary Education Act. In addition, the Department plans to run a competition for funds under the ESEA's State Tribal Education Partnership Program, and we plan to run that next year. And we will be consulting on that program as well.

So, the consultation on April 26th from 1:00 to 4:15 will cover those two programs.

You can find more information on this consultation opportunity on the Department's website. And that is ed.gov, and if you go in and search on "Office of Indian Education," it

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will take you to OIE's webpage and you can sign up for that consultation. We hope you will join.

Ron, I want to thank you for the opportunity to say a few words. And I'd like to turn it over now to Julian Guerrero, who is the Director of the Office of Indian Education in the Office of Elementary and Secondary Education.

Julian, to you.

MR. GUERRERO: Thank you so much, Ruth, and thank you, Ron, both for the honor to provide some remarks today.

And just to the audience joining us virtually, I wanted to say in my Native tongue (Native language spoken).

My name is Julian Guerrero, Jr. I serve as the Director of the Office of Indian Education. I'm roughly six months into my position, and the work has been fascinating and wonderful, and the investments are tremendous on what we do for Indian education.

To kind of introduce a little bit of my background, I'm a former State Indian

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Education Director for the State of Oklahoma. Before that, I was in the nonprofit sector working for the Tribal Education Departments National Assembly. And all along those lines, I've worked in the tribal sector as the Gaming Commissioner for our gaming facilities for the Comanche Nation. And in every single sector of experience, Indian education/public education has been at the forefront of the greatest need for all of our Native students.

So, the work that we do at the Department, the work that we do with the Office of Indian Education is committed to quality education for our Native students. And we appreciate you attending today because we want your input to continue a meaningful relationship and improve that meaningful relationship as well.

So, I'm really excited to work with you all today.

I'm going to walk through two slides on an overview of why we're meeting today.

So, if we can get the next slide?

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So, the purpose of meeting today is essentially in response to a presidential memorandum on January 26th, 2021. President Biden issued a presidential memorandum on "Tribal Consultation and Strengthening Nation-to-Nation Relationships" that requires the Department of Education to submit within 90 days a detailed plan for implementing Executive Order 13175, which charges all executive departments and agencies to engage in "regular, meaningful, and robust consultation with tribal officials in the development of federal policies that have tribal implications."

Next slide.

So, this is important, this memorandum and other policies alike, that we continue to foster a relationship; that the United States has a unique political and legal relationship with the 574 federally recognized Indian tribes, as set forth in the Constitution of the United States, treaties, Executive Orders, and court decisions.

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The federal government's relationship with tribes has been guided by a longstanding trust responsibility to protect the unique rights and well-being of tribes while respecting sovereignty. So, we're excited to engage in this consultation and want to maximize as much time today and look forward to your input.

So, at this time, I'll hand it back over to Ron.

MR. LESSARD: Thank you, Julian, and sincerely appreciate all the work you have done for all our Native youth, and going back to when I knew you at the Oklahoma Council on Indian Education and before that.

So, for those of you out there in Indian Country, Julian is the best, and please reach out to him if you need anything from the Office of Indian Education.

Next slide, please.

So, on November 4th in 2015, the Department of Education released a revised tribal consultation policy. There had been one for many

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years previously, but this came about after President Obama and others asked for a revised update on tribal consultation policies from all the federal agencies. So, it lays out the Department's commitment to consult with elected officials of tribal nations and tribal officials.

Next slide.

So, what we're doing today is we're seeking your recommendations and feedback on how we can improve the Department's practices to better engage with Indian Country through meaningful consultation to inform the plan that we will submit in response to the presidential memorandum.

I just want to insert a comment there that we do understand that tribal consultation has to be meaningful consultation, that it is consultation of things that have an impact on tribes. It's not just listening sessions, but it's meaningful consultation. I always say the "capital TC," Tribal Consultation, and "smaller tc" can be several other things that could be

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included.

Specifically, we invite comments on how we can better implement our tribal consultation policy and better fulfill the directives of Executive Order 13175. Specific questions on which we will welcome your feedback are listed below.

Next slide.

So, we have four questions. I'm going to go through them, and then, we'll go to -- I'll read the questions, and then, we'll go to tribal leaders' response.

So, the first question is, "How do we improve our consultation and outreach regarding policy or program changes at the Department of Education that impact Indian tribes?"

No. 2 is, "Are there specific Department of Education grant programs or related education issues about which tribal officials would like more information or on which they feel they are not getting adequate opportunity to engage in a meaningful way?"

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Next slide.

So, we ask you, "Should the Department of Education have general sessions on an annual basis or continue to have program-specific consultations?"

And No. 4 is, "What comments or concerns do you have that will help us improve the Department of Education's process for tribal consultation?"

Next slide, please.

I'm going to go through a little bit of the commenting structure, just so you know. To provide a comment, use the "Raise Hand" feature located on the bottom toolbar. We will call on tribal government officials first. Please only raise your hand during this time if you are a tribal government official. And I want to also mention, if you are a tribal government official or a designated person designated by a tribal government official. We will call on the general public second. Your name will be announced when your line has been unmuted to

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provide a comment.

Comments can also be submitted using the Q&A feature located at the bottom of the toolbar. All comments will be read out loud by the moderator.

Next slide.

So now, we're going to go to invite tribal leaders to make their comments. And again, I want to reiterate that designated folks, any tribal leader that has designated someone, whether it be the head of the Tribal Education Department, or whatever that may be, we will honor that.

So, next slide.

So, the first question we have for tribal leaders is, "How do we improve our communication and outreach regarding policy or program changes at the Department of Education that impact Indian tribes?"

And I'm going to open that up for your comments. And you can put them in the chat or you can provide audio comments, if you would

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like.

MS. RICHARDSON: Hi, Ron.

Chairwoman Andrews-Maltais has raised her hand.

MR. LESSARD: Hi. Hi. How are you?

MS. RICHARDSON: And I'm asking to unmute.

CHAIRWOMAN ANDREWS-MALTAIS: Thank you.

MR. LESSARD: Mardella, can you help field these questions as well?

MS. RICHARDSON: Yes, I will help field questions from the chat box.

CHAIRWOMAN ANDREWS-MALTAIS: Sorry. Are you able to hear me? Hello?

MS. RICHARDSON: Yes, ma'am, we can hear you.

CHAIRWOMAN ANDREWS-MALTAIS: Oh, great. Thank you. Thank you very much.

And I apologize if it sounds a little odd. I am on the side of the highway trying to provide comments.

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But thank you very much for having this opportunity. I think, just starting from scratch, just that everybody is revisiting the Executive Order 13175, "Consultation and Coordination with Tribal Governments." It is just a wonderful step in the right direction, and I applaud the Administration for taking this initiative.

I believe, just to try to hit the points without going question by question, it is that, first of all, for meaningful consultation, we believe it has to be not only based upon embracing the principles contained within Executive Order 13175, Section 3, with regard to understanding that tribes are in the best position to make decisions on behalf of our people, and working in and respecting sovereignty and tribes' abilities to make those decisions. Also, increasing flexibility and, wherever possible and not prohibited by law, providing tribes with waivers in order to make sure that we're able to meet the unique situations of each

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of our 574 federally recognized tribes, Alaskan villages, as well as Hawaiian Natives.

The other thing I wanted to bring up is that it should also be predicated on the United States -- I'm sorry -- the U.N. Declaration of Indigenous Peoples Rights, the UNDRIP --

MR. LESSARD: Yes.

CHAIRWOMAN ANDREWS-MALTAIS: -- with "free, prior and informed consent" for anything that is going to be, any policies or guidance and decisions that are going to have tribal implications. And that has to happen prior to those policies being established and not after, as a check-the-box type of exercise.

And the other thing I wanted to mention is that, with regard to any funding that comes out for Indian education, we have been struggling for years. Ninety percent of our Native students are enrolled in public schools and only 10 percent of our Native students are in tribal colleges, universities, and BIA or

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tribally run schools. That needs to be acknowledged and supplemental funding needs to come out to the tribes in order to meet those obligations, because the United States owes the obligation to all tribes to educate our young people. We've paid it forward with the lives of our ancestors, our lands, and our natural resources.

And therefore, 90 percent of our students' educational needs go unaddressed because it does not come through BIE. And the only thing that we are able to get is the Title VII, which clearly does not help in most instances, as well as Impact Aid, it's necessary to change the formula and increase the amount of Impact Aid that students are able to put forward to assist the school system.

Additionally, we do not appreciate, nor do we like, to have grants or funding come in the form of grants, competing against each other.

All tribes are equal in the eyes of the United States Government. And therefore, we should not

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be competing against each other for the limited financial resources and support that the United States is obligated to provide to us.

We have funding mechanisms that are in place through contracting and contacting that can certainly be implemented to be able to receive that financial support for the education of our students.

And because I can't read at the same time while I'm watching everything else, I just wanted to end and give other tribal leaders an opportunity, that if this is tribal consultation for government-to-government, then that's what it needs to be. And if it's going to be for the tribal governments, it should be with the tribal governments.

We should have consistent consultation government to government with the tribes because of our special status as Indians in our relationship, and we should have quarterly regional meetings, as well as national meetings at least twice a year. And there should be

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roundtables in between. They should be put on a set schedule because all departments in all agencies are expecting us to be able to be available for consultation, and we expect to be part of consultation. So, therefore, we need to have them at a schedule that is conducive for having maximum participation for improved and meaningful consultation, because it's built upon relationships and trust. And without consistent consultation and full engagement, and cooperation and consensus, and agreement with regard to these policies and/or decisions that are coming out, it really isn't meaningful.

So, thank you very much for this time, and I hope that other tribal leaders will be able to be heard first, and then, their delegates, and then, principals of Indian organizations. But, if it's a tribal consultation, it should only be with tribes and not the general public. Thank you very much.

MR. LESSARD: Yes, thank you so much.

That's wonderful. It's a wealth of information

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and knowledge, and I totally agree with you.

One of the things I think we need to discuss further is, under the umbrella of consultation, this consensus. And I appreciate you saying that because often we have issues that we bring up, but there isn't consensus amongst the tribes. And so, I appreciate that. Thank you.

Next?

MS. RICHARDSON: Hello, Ron.

MR. LESSARD: Well, hello.

MS. RICHARDSON: Head Councilman Joe Garcia has his hand raised and now is able to unmute his microphone.

MR. LESSARD: Hello, Joe.

COUNCILMAN GARCIA: Good morning, Brother Ron. How are you? Can you hear me?

MR. LESSARD: I'm good. How are you?

COUNCILMAN GARCIA: I'm doing well. Just a little bit Zoomed-out here. There's too many Zooms -- Zoom, Zoom, Zoom.

(Laughter.)

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MR. LESSARD: You've always been zoomed-out. So, it's okay.

(Laughter.)

COUNCILMAN GARCIA: But I'm also Zoomed-in now.

(Laughter.)

MR. LESSARD: Thank you for joining. Thank you.

COUNCILMAN GARCIA: Yes. Joe Garcia. I'm Head Councilman for Ohkay Owingeh, and I am representing Ohkay Owingeh, operating within the Pueblo Land Grant, here in the New Mexico Northern Pueblos.

Anyway, a number of comments. No. 1, how do we improve? Well, I think that any changes that are being made should be driven by the changes that come as a result of improvements by tribes, collaboration, consultation, and I will add the word "collaboration" to your "C's" because it's not just consensus; it's not just consultation, but actively collaboration. That means working together to implement whatever it

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is that we propose to implement, and we agree on it; we do it together.

The second thing was already mentioned. It's grants information. It's not just the information, but I think it has to do with how the grants criteria is made out. And so, the people that write the criteria really need to be well-versed on how the tribes' education systems are set up.

As Chairman Andrews said, 90 percent of our students are in public school systems; the other 10 percent in BIE or BIE tribally controlled schools. And so, we need to be sure that the funding follows the population and the needs of the students in both of those categories.

So that we would be better informed and that, in cases of grants, there needs to be more equitability between what funds go to the state and what funds go to tribal entities. And they are quite different in many cases. So, that's why it's good to have that collaborative

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effort, including with the state.

And in terms of how do we keep continuing these sessions, what President Obama started with the White House initiatives many, many years ago is something that dropped by the wayside a few years ago. And so, I'm glad that it's coming back to life. This is the White House sessions with tribal nations and the U.S. Government, including the President's Office, and all of the heads of the departments and agencies come to these sessions.

And that's where we iron out any discrepancies or any misunderstandings, or any other improvements, and we also keep track of what's being implemented in terms of what was suggested. And we keep track of what all we need to do. So, that's a good initiative and I'm glad that it's going to continue.

And so, with all of that, the improving situation between the Department of Ed and the Bureau of Indian Education is a must, because too many times, when the tribes are

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working with the BIE, there's always an excuse. They said, "Well, the Department of Ed said..., the Department said this, the Department of Ed said that." And so, we can't override their boundaries or override their guidance, if you will.

And so, there needs to be a partnership between BIE-funded schools and the Department of Ed and the tribes. And one of the missing pieces for tribal entities is no funding available for tribal ed departments.

MR. LESSARD: Right.

COUNCILMAN GARCIA: There was for a while, but it has now gone away. And so, I think that needs to be restored, wherever it comes from, and I'm not sure if it's through Department of Ed or if it's through BIE. But, either way, we should decipher, and then, go for it.

But, with all of that, I thank you much, and thank you, Ron, for your leadership, and thank the Department for providing this opportunity.

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Now I yield back my time to tribal leaders. Thank you, Ron.

MR. LESSARD: Well, thank you so much, Joe.

You know, one thing I think that is important is, as we -- so, I guess I want to say that, as we look to the 10 percent or at the maximum of BIE's schools, how -- and I'm really open to doing some research on this, because I've always felt it was something the White House initiatives should be involved with -- it is, how do we reach out to that other 90 percent? And how do we have strategic plans in place?

You know, we did that on school environment listening sessions, but I think it's important that we come together and come up with some real concrete plans on how we can reach out to those school districts. I mean, we know in Indian Country there are several, but, you know, there are school districts in other states that support, or should support, tribal students, so Native students. And I think we need to talk

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about that a little bit more.

Okay. Next?

MS. RICHARDSON: Some other hands raised, Ron.

MR. LESSARD: Yes, please go.

MS. RICHARDSON: J. Michael Chavarria, you're able to unmute your line at this time.

MR. LESSARD: Oh, great.

GOVERNOR CHAVARRIA: Okay. Well, (Native language spoken).

Again, good afternoon. My name is Michael Chavarria. I serve as Governor for Santa Clara Pueblo here in New Mexico, and I'm representing the Santa Clara Tribal Government as a Chief Executive Officer. Thank you.

MR. LESSARD: Thank you.

GOVERNOR CHAVARRIA: So, as a fundamental matter, it is always important and essential to stress the role the U.S. Department of Education has in fulfilling the federal government's trust obligation to tribal nations by ensuring that our interests are accounted for

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in any federal budget and agency and executive actions. Again, consultation is key to this work.

The trust obligation is a legal mandate to consult with Indian tribes. It is based upon the political status. We're sovereign nations engaged in a government-to-government relationship with the United States. So, the Administration, Congress, federal agencies, federal officials, and staff all play an important role and serve as trustees of that federal trust obligation.

So, it is your solemn duty to ensure that tribal interests are protected during any action, program, or policy undertaking by the federal government, including all those under the U.S. Department of Education authority. So, true tribal consultation is only possible when both parties understand that the relationship between the tribal nations and the federal government, again, is a government-to-government relationship based upon mutual respect.

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MR. LESSARD: Right.

GOVERNOR CHAVARRIA: Our consultation processes are of utmost importance to strengthen this relationship. To that end, it is essential that consultation be meaningful, regular, and well-informed. Meaningful means engaging with tribal leaders at the beginning of policy development rather than after decisions are made.

It also means providing tribal leaders with early and adequate information, so that we have time to review the materials, reflect on the proposals, and offer comments in response.

Additionally, meaningful consultation must also allow significant time for culturally appropriate interactive dialog leading to actual joint decision making. This requires obtaining free, prior and informed consent from a tribal nation whenever an action or policy will affect those. Free, prior and informed consent is an international principle. It is intended to protect and advance the self-determination of indigenous communities. And so, lack of

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meaningful consultation harms tribal and federal interests.

So, the first question you have, we feel that routine communication annually through tribal consultation with tribes and the U.S. Department of Education is critical, inclusion in collaboration with the Bureau of Indian Education; the Office of Head Start, which is very important as well, but also important is communication. At this time, it's done through The Federal Register, but it's not communicated directly to us as tribes.

As an example, the FY21 for Indian education discussion re grants programs, professional development grants program, that was just identified through The Federal Register. However, I think a "Dear Tribal Leader" letter would be very important, so that we can pass along this information.

For example, Santa Clara has a Kha'p'o Community School, a tribally controlled school. So, I need to provide that information to our

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school board, but also executive officers in that setting.

Again, quarterly meetings based on region with all policy and program changes will affect tribes, programs, and services for Native American students are also important.

Communication should be done, again, using the various methods, which is very critical.

I do support the need to have a joint session with the State, as many of our students here at Santa Clara attend the various public schools within the State, but also states that they reside in throughout the nation here. So, that is also critical.

And so, sir, we'll go ahead and expand more on that question you pose on how do we incorporate that strategic plan to reach out to that 90 percent of those public schools, which is very important because they serve our children.

And I believe, going back to the mission of the U.S. Department of Education, it's

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to promote student achievement and preparation for global comprehensiveness by fostering educational excellence and ensuring equal access.

As part of their mission, the U.S. Department of Ed is committed to helping to improve educational outcomes of all American Indian and Alaska Native students, again, including those attending public schools. So, that's very important.

So, I do have comments to your other questions, but I believe you're going question by question. So, I'll go ahead and yield my time to the rest of my brothers and sisters, tribal leaders, on this call at this time.

Thank you. (Native language spoken.)

MR. LESSARD: Well, thank you.

One thing I want to mention, I know that I want to make sure that all of our tribes, in addition to The Federal Register, are getting the notices that we are sending out from the Department through Tribal Tech, to invite you to these consultations, invite you to comment on things. And so, I just want to make sure that

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that's happening, so that you don't -- yes, The Federal Register is a good way to do it, but I think that our list of sending out to you, inviting you directly, is good.

So, thank you for that. I appreciate it. We want to make sure we cover everyone.

Next thing, question?

MS. RICHARDSON: Ron, we still have two individuals with their hands raised.

MR. LESSARD: I'm sorry?

MS. RICHARDSON: We have two more people with their hands raised, three more people with their hands raised.

MR. LESSARD: Okay, okay. Yes, please do.

MS. RICHARDSON: Okay. Janine Adams, you are now able to unmute yourself.

(Pause.)

Janine Adams, you should be able to unmute your line.

Oh, sorry. She said, sorry, she did not mean to raise her hand. All right.

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MR. LESSARD: Okay.

MS. RICHARDSON: We will move forward to Barbara Buttes.

MR. LESSARD: Okay.

MS. RICHARDSON: Barbara, you should be able to unmute now.

DR. BUTTES: Okay. Thank you. Thank you very much, Mardella.

And this is Dr. Barbara Buttes. And I coordinate the American Indian Youth Demonstration Grant here in Lincoln, Nebraska.

(Native language spoken.)

And I have taken copious notes while everyone is making their presentations. Very, very good.

A couple of things that I just want to say right off the bat. Yes, most of the kids do go to school in public schools. And we have a responsibility in the public schools here in Lincoln -- we have the second largest school district in the State of Nebraska, and we have 65 schools. Among our student population, we have

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46 tribes and Alaska villages represented. Some of those tribes aren't in the State of Nebraska.

We only have four tribes who make their homes, have their headquarters here in the State of Nebraska. That would be the Santee Sioux Nation, the Omaha Tribe of Nebraska, the Winnebago Tribe of Nebraska, and the Ponca Tribe of Nebraska.

I am also on the Committee of the Commissioner of Education in Nebraska, the Commissioner of Education, American Indian Education Advisory Council. And at this point, we're engaged in developing a tribal consultation guide to distribute to the superintendents across the State.

Most of our school districts aren't this large; some are rural. Many are rural. And in those situations, it's usually one tribe represented in the district. But some of these districts don't know how to get in touch with the tribes. And so, that's what we're working on, making a guide for a step-by-step way to initiate

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tribal consultation with the tribes of the students in their district, so the tribes that are most populous in that school district.

For example, bordering our State we have the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Yankton Sioux Tribe, and we have the Sac and Fox Nation, and the Arapaho and Shoshone tribes. We need to set up tribal consultation with those people, which I have done in several instances.

And the tribal departments of education are very excited to join with us to make things happen for their students, because it's our students that we have on our minds, as we do this.

I just want to say a couple more things here. One is, when the first speaker, the Madam Chairman was speaking, she mentioned the U.N., what had to happen first. And I'm thinking our legal and political relationship originates with the United States. And so, we have no protection and no responsibility with the United

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Nations, but we do with the Department of Education here in the United States.

Also, the idea of competition for the grant monies, I know when Lyndon Baines Johnson made it possible for American Indian tribes to compete for those Community Development Block Grant funds, it was a very big deal. Because up to that point tribes had no way to get money, and we had hippies coming in from all over the place to write grants for us to get some of those funds, to help us improve our communities and our schools.

I do think that's something that we need to talk about, though, and decide where the funds come from. I think that's really important. And while our relationship is with the federal government, our kids are attending state and local schools. And I don't want anybody to think that the states are not doing anything, because several states have embraced tribal consultation documents. I know that Montana, the State of Washington, Oklahoma, North

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Dakota, South Dakota, and others, and soon Nebraska will have a tribal consultation document. Because states also have a mandate to have timely and meaningful consultation with the tribes represented in the school districts.

Thank you very much for your time.

MR. LESSARD: Yes, thank you so much.

This is Ron.

I really appreciate that because one of the things that happened during ESSA is that it was included that states consult with tribes, and that was a very important issue to us at the Department of Education. One of the things that happened is, you know, we have tribal consultation policies within the Department, within federal agencies, and we adhere to that. However, some of the states were not consulting with tribes in a way that was -- they were more listening sessions. So, we wanted to make sure that states consult with tribes in a really meaningful way.

It's something that, although the

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Department of Education really put that forward to consult with states, there were issues that were not always conducive to the tribes. And so, one of the things that we have done, and I have done, is working with states to make sure that they create guidance around tribal consultation.

I mean, it's not under Executive Order 13175, but it is important that states consult with tribes in a meaningful way.

MS. RICHARDSON: Ron, at this time, I'm allowing Brian Vallo to unmute his microphone.

MR. LESSARD: Okay.

GOVERNOR VALLO: Thank you.

Good afternoon. (Native language spoken.)

My name is Brian Vallo, and I am the Governor at the Pueblo of Acoma in New Mexico. Thank you for this opportunity to provide some comments during this important consultation.

I want to just begin by saying that I have another commitment here in about 10 minutes.

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So, I'm going to, if you don't mind, offer some comments in response to the questions that you've posed to us.

There are a series, as you know, of consultations that are currently happening, and tribes have tried to be on as many of these as we possibly can. It has been quite challenging, but such an important effort on the part of our federal agencies, and certainly, on the part of the President and his Administration. So, I appreciate that he has issued this memorandum, and I really look forward to not only seeing consultation policy within our respective federal agencies change in a meaningful way, but that that change is also, then, the impetus for an ongoing dialog and in various formats outside of consultation.

So, to the first question, one of the things that I would recommend is that it would be helpful for tribal leaders to know what the policy issues are at this point; what are the policy priorities of the Department and of the

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Administration. I would strongly encourage that the Department develop a process for informing us of what these policy issues are, and if you wanted to go so far as to even identify, let's say, a top 5 or top 10, that would be very helpful and would assist us, as tribal leaders, to provide the best responses and guidance, based on our needs and our experiences, working with the Department of Education. And so that we can provide some more focused recommendations on these critical education policy issues.

One of the other things that I would encourage, as we're thinking about what those policy priorities might be, is the interdepartment or interagency collaboration and communication. Tribal leaders are inundated with many issues, as you know. Education is probably a priority of every tribe in this country. And so, we want to do good work together with the Agency and with the Department of Education.

And so, I think that this will call for strategically planning and hosting frequent

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and focused discussions, to provide and help in the process of developing a comprehensive education plan. And the involvement of tribal leadership and our experts, internal experts, is really critical to this process. And so, I hope that these are some things that you folks will consider moving forward.

And, you know, at some point even in this calendar year, in addition to receiving a report on the outcomes of these consultations that you're hosting, that there is also some followup, perhaps at some point in this year, with tribal leaders. I think that would also be very helpful because sometimes we receive a report, and then, there isn't much discussion, more discussion, to be had directly between tribal leadership and the Department.

As far as grant programs and education issues are concerned, and how that information should come to tribal governments, we recommend that the White House Initiative on American Indian and Alaska Native Education provide

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frequent updates and alerts, other than us relying on The Federal Register and on grant programs. But perhaps this entity can provide the information and the opportunities that exist for our tribal communities and tribal education programs.

We recommend, also, that the Department of Education provide technical assistance on grant writing to give equitable opportunity for the over 570 tribes here in our country. And we further advocate for increased funding to allow for the greater grant opportunities for tribes, and including those who have never received a Department of Education grant.

And finally, we would recommend that the Department address how grant opportunities can be expanded to tribes who have never received these grants, due to limited resources. Smaller tribes with limited resources may not have the capacity to hire the professional grant writers or have those people on staff. So, it would be

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great to see more technical assistance provided by the Department to tribes, and again, to arrive at equitable distribution and opportunities for all tribes in our country.

We also recommend that the Department host, again, yearly general sessions to assist our schools for each school year. These general sessions will provide the tribal leaders to have focused attention on the education topics for the school year. And after this annual session, we recommend that there are perhaps quarterly program specific consultation sessions hosted by the Department.

We want to be involved, also, in developing short- and long-range strategic products for hosting tribal consultation sessions. And these could be an opportunity to think creatively and critically about how we can engage on that level.

And then, finally, since the inception of tribal consultations, mandating all federal agencies to host consultation sessions with

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tribes, we recommend that the Department have and encourage President Biden to host an annual meeting with tribal leaders. These meetings will provide a clear and meaningful communication with tribes with visible presidential leadership.

MR. LESSARD: Yes.

GOVERNOR VALLO: And this will maintain and confirm the importance of the trust responsibility the federal government has set into place.

We also recommend that the Department use the extensive and enduring number of federal treaties as a way to improve the much-needed educational needs of Indian children and adults.

MR. LESSARD: Yes.

GOVERNOR VALLO: The existing federal treaties are living documents for the federal government agencies to uphold and influence federal policies for the well-being and prosperity of American Indians and Alaska Natives. This here would be a true symbol of the acknowledgment of tribal sovereignty and the

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nation-to-nation development that we, I think, all crave and are looking forward to under this Administration.

Thank you very much for the opportunity, and I wish you all well in your work.

MR. LESSARD: Thank you, sir. Thank you, sir, so much.

I really appreciate your comments. And if you could provide written comments, please send them in. We are recording this and we will capture your comments, but, also, if you have any additional comments, we're happy to take those in writing.

Okay. Next?

MS. RICHARDSON: Next, we have Sarah Price. Her line has been unmuted.

MR. LESSARD: Okay, Sarah. Hi. How are you?

MS. PRICE: (Native language spoken.) Hello. Good afternoon.

MR. LESSARD: Thank you. Thank you.

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Thank you for joining us today.

MS. PRICE: Yes, sir.

I am sitting in as a designated official. I proxy for our second Chief Del Beaver who asked that I comment.

And in regards to Question 2 about specific grant programs or related issues, we just wanted here at the Muscogee Creek Nation to comment in regards to ongoing consultations. I think that it would be beneficial for us, as TEAs, to have these ongoing consultations, as was previously mentioned, scheduled discussions regarding those policies and decisions at the Office of Elementary and Secondary Education level.

And furthermore, that something like an OIE TEA list, sir, may be beneficial in regards to ongoing technical assistance on any and all formula and discretionary grants that impact Indian tribes, particularly technical assistance opportunities that support TEAs in Title VI formula grants, although we are not

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grantees, because we do consult with many of these grantees, albeit local education agencies within our tribal reservation boundaries.

MR. LESSARD: Right.

MS. PRICE: Of our 67 schools, we have 48 of them that are mandated to consult with us.

And we feel it to be very beneficial for us to have that technical assistance to have those further discussions and information regarding any changes to those formula programs, particularly Title VI Indian education, and/or have the opportunity to have further guidance from the Office of Indian Education in regards to those formula grants.

And we also believe, as was aforementioned -- or excuse me -- previously mentioned, about the sovereign nations' important role in these trust responsibilities --

MR. LESSARD: Right.

MS. PRICE: -- and in policymaking and the government-to-government relationship.

And I appreciate the opportunity to

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comment, and we'll also look forward to sending in -- I believe our Chief also has recommendations as well.

MR. LESSARD: That's great. Thank you.

I don't know, Julian, did you want to comment on that at all?

MR. GUERRERO: I would say, hello, Sarah. Good to hear your voice.

And I am confidently say that we at the OIE are working on many technical assistance plans, and you're going to be really excited to see what we have coming in the future.

MS. RICHARDSON: Next, we have Patricia Whitefoot.

MR. LESSARD: Hi, Patty.

MS. RICHARDSON: She should be able to unmute her line now.

MR. LESSARD: Hi, Patty. It's Ron. How are you?

(No audible response.)

Patty, are you there?

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MS. WHITEFOOT: Yes. Can you hear me now?

MR. LESSARD: I can. Hi, Patty. How are you? It's Ron.

MS. WHITEFOOT: Well, good morning. It's good to hear your voices and listen to the discussion.

For the record, my name is -- I'll go ahead and start with my language. (Native language spoken) Patricia Whitefoot.

I'm here today in support of our Affiliated Tribes of Northwest Indians, where I speak as the Chairwoman of the Education Committee for our Northwest tribes, the 57 tribes that we have with the organization. We meet three times during the year, and, of course, we make policy recommendations that come to the Department of Education in support of our tribes.

And, of course, we take that, also, to the National Congress of American Indians. And in just listening to the tribal leadership, we are also involved in those conversations as well.

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And I just want to also just highlight the fact that, as an educator, also as a former tribal council elected official, not only with Tribal Council, but with also the Affiliated Tribes of Northwest Indians, there are a number of issues that we have addressed over the years and, also, communicated with the Department of Education.

And so, as I take a look at this, you know, the memorandum, I begin to have questions about the work as we go forward. We heard from the tribal leadership that we've had various meetings over the years and we've had consultation. And I just want to acknowledge the work that tribal leadership is doing now, particularly with the numerous consultation sessions that are going on -- and we've all tried to keep up with them -- with the various federal agencies that are out there. And so, as you can imagine, tribal leadership is very busy at this time.

And then, knowing that this

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consultation is being held now, it's important, and education is important to our people. So, I just want to acknowledge this work that's going on.

As I reviewed the Executive Order, and also the memorandum, it clearly states that all executive departments and agencies are to engage in "regular, meaningful, and robust consultation with tribal officials in the development of federal policies that have tribal implications."

And so, when I read that statement, I think about the work that has been previously done. And I know that Julian just came, and, Ron, you've been there a while, as well as Ruth Ryder.

So, where are we in terms of a strategic plan for Native education throughout the Department?

And I look forward to meeting the Honorable Secretary Miguel Cardona as well to have this type of consultation or session with him on where are we in terms of a strategic plan that is robust, and one that is sustainable over each administration. And the reason I say that

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is every administration we go through this process. And so, to be true to the spirit of tribal sovereignty and the tribal voices in policy deliberation, it's important to also recognize the previous work that has been done, as we continue to move forward.

So, just for instance, we just recently had a meeting with the Office of Management and Budget. And I know that, after this consultation, you are expected to have a detailed plan of action to be submitted to the Office of Management and Budget within 90 days. Of course, when we start counting down, and according to the memorandum, it looks like that's due on or about April 26th, which is seven days, and we're having the consultation today. So, that is worrisome in wanting to make certain, particularly with the Office of Management and Budget, that we submit the recommendations that are being made, but we, also, previously have made recommendations to OMB.

And so, one of the major

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recommendations made to OMB is the need for a Native desk, an Indian desk, that represents some of the issues that we have brought up.

And so, going on with this communication, the improvement in communication, just taking a look at these progress reports that are due within the year, every step of the way, as we take a look at considering a strategic plan in support of Native education, it's going to be important for us that we're taking a look at what has previously been done, but what are the current issues that we're facing?

And because I've been in education for several years, I want to speak to the fact that there is a desperate need for cross-agency communication collaboration agreements, et cetera, and what have you. Because when we stop to think about the comprehensive spectrum of education for our children and grandchildren from early childhood to higher education, it's imperative that a comprehensive plan be developed, to include the overall education needs

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of our children, not only with education, but across the federal agencies that include the Department of Health and Human Services, which houses our early childhood programs, et cetera, that we've worked with, and also, the Substance Abuse and Mental Health Services Administration that we so desperately need.

The Department of Interior, of course, where the Bureau of Indian Education is; the Department of Agriculture, where we receive our food support services and agricultural support systems as well; the Department of Justice, when it comes to law enforcement; indigenous women, everything.

I could go down the list of all of these federal agencies, but what I'm trying to say is that there is a need for this comprehensive approach and improvement, which is outlined in our Children's First Initiative and which has been approved by the partnership of the National Congress of American Indians, the National Indian Education Association, the

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National Indian Child Welfare Association, and the National Indian Health Board as well.

And so, I'm just wanting to urge the Department of Education to support tribes and our communities in taking a look at the role of education, and it's not just siloed in the Department of Education. We urge you to take a look at the data and the research and the statistics about Native students. I have that in our letter to you. I'm not going to go through that. I think we know what they say.

But I just want to call out that the Affiliated Tribes of the Northwest Resolution 2020-44 titled, "Urge a transformative plan of action to address the preK-20 education crisis confronting our Native students," which summarizes the recommendations to address the unique needs of Native students. It further highlights that the Indian Trust Doctrine includes education, as defined in 25 USC, "Congress declares that a major national goal of the United States is to provide the quantity and

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quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice."

And so, I want to just close by saying I look forward to the followup, the progress, and the report that the Department of Education is going to be undertaking and strongly recommend collaboration with the cross-agency strategy plans to address the holistic needs of our children, our grandchildren, our families, and communities.

And if you have any questions of me, please feel free to email me, and I'll include that in the letter.

Thank you.

MR. LESSARD: Thank you so much, Patty. We so much honor you and appreciate you for all you have done and all you do.

We are in the process of, we'll be sending in the action plan regarding our implementation plan around Executive Order 13175.

We're really happy to see that they've asked for

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that update. And so, we're actually sending that in next week.

We've had this consultation and other listening sessions where we will record and bring in suggestions and recommendations from tribal leaders.

So, thank you so much. We appreciate all you do for us, and thank you.

MS. RICHARDSON: There are no additional hands raised at this time.

MR. LESSARD: Shall we go to the next slide? Okay.

"Are there specific Department of Education grant programs or related education issues about which tribal officials would like more information or on which they feel they are not getting adequate opportunity to engage in a meaningful way?"

We would like to open this up for tribal leaders and/or designated tribal leader designees. Thank you.

MS. RICHARDSON: You have one hand

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raised.

J. Michael Chavarria, you should be able to unmute yourself.

GOVERNOR CHAVARRIA: Okay. Thank you again.

This is Governor Michael Chavarria from Santa Clara Pueblo here in New Mexico --

MR. LESSARD: Hello.

GOVERNOR CHAVARRIA: -- again representing Santa Clara Pueblo tribal government, as our Chief Executive Officer.

So, for No. 2, we feel that we're not getting adequate information regarding the BIE Negotiated Rulemaking Committee. I think all that is very important, again, how that Committee works with the U.S. Department of Education, which is very important.

We also feel that the testing waivers for sovereign government is also an important issue, especially now since we're still dealing with this unfortunate time of the public health or national health pandemic, the COVID-19. So,

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all that is very critical, again, going forward.

I go into more detail on your second, or third question as well, regarding that.

Again, mandated standardized assessments approach, one model fits all, but the Department of Education assumes education initiatives and schools and reservations are based on systems operated as public education systems, which is not factual. Again, public education is different, the public school system, in relation to the BIE or tribally controlled schools. That's also very important to have a full understanding.

Again, unless expressly excluded by tribal or by law, tribal governments and tribally controlled schools should be especially noted as eligible applicants for Department of Education grant programs. This is very important and essential, as we support the continued education of our children from pre-K all the way to higher education.

So, that's also important, and I feel

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that any grants provided to the U.S. Department of Education using 933368 Title I contracts or self-governance compacting opportunities, and it's fair and equitable because we all have -- we're not all the same. So, it's not a one-size-fits-all approach. We are all unique regarding the 574 federally recognized tribes. That's very important, as we all have unique opportunities and needs, and we are in the best position to best meet those needs and it's based upon the education of our students.

As I mentioned, I still have responses to 3 and 4. So, I'll go ahead and yield my time to this, and then, I'll raise my hand for the next two questions to follow.

Thank you.

MS. RICHARDSON: There are no other hands raised at this time.

MR. LESSARD: I'm sorry, I was on mute.

Can we go on to the next slide?

Hi, everyone. Again, we've touched on

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this a bit, but "Should the Department of Education have general sessions on an annual basis or continue to have program-specific consultations?"

And we're going to open it up for comments.

MS. RICHARDSON: Mr. Chavarria has raised his hand.

You should be able to unmute your microphone at this time.

GOVERNOR CHAVARRIA: Okay. Again, Governor Michael Chavarria, Santa Clara Pueblo here in New Mexico, again, representing Santa Clara Pueblo tribal government, as the Chief Executive Officer.

And so, this goes back to your No. 3, Should we have general sessions on an annual basis or continue to have program-specific consultations?

As I had mentioned earlier, the U.S. Department of Education should, and must, continue to have a tribal consultation at least

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on an annual basis, but I would say quarterly, if not semiannual. Now this precedent has been set by other federal agencies and should be followed by the U.S. Department of Education as well. In addition, they should hold program- and issue-specific consultations as deemed necessary by the Department or requested by one or more tribal nations.

As I mentioned, Santa Clara Pueblo, through our tribally controlled school, submitted a letter to Honorable Secretary Cardona on March 3rd, and then, we did another followup letter on April 7th. This was regarding a request for a consultation on the onsite school assessments --

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: -- 20 USC Section 6311(a)(2), again, for the Kha'p'o Community School. And I still haven't had a letter response yet, Ron, from the Department Secretary.

MR. LESSARD: Yes. So, we did receive that. We are working on a response to you, and I apologize for the delay, but it involves getting

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folks together, and then, just because of some of the new folks coming in leadership. But we are looking at it and we will be responding very soon.

GOVERNOR CHAVARRIA: Okay.

MR. LESSARD: So, we haven't forgotten you.

GOVERNOR CHAVARRIA: Okay. I appreciate that and that's good to hear. Because I believe, in the next week or so, I believe Tony Dearman and the Department --

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: -- or BIE are also having their consultation regarding this request.

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: So, that's good to know. I just want to report back to my Tribal Council to let them know that our letter has been received and that we'll wait for further information to come forward.

MR. LESSARD: Yes. Yes, it has and

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we've been in touch with Tony Dearman in how we're going to go forward with doing -- I know BIE is doing their consultations in early May. We may join in or just present this as a topic, because it's kind of late to get into an actual conversation, you know, a consultation, because of providing the designated time that we need to do that. But we are definitely looking at this and responding. We'll respond to it. And Tony and I have talked and we're very aware of what we need to do.

GOVERNOR CHAVARRIA: Okay. Yes, because we didn't work with Tony in the beginning, but, again, we were told, because the U.S. Department has an authority to waive such assessments, we have to write our letters not to BIE --

MR. LESSARD: Right.

GOVERNOR CHAVARRIA: -- but to the Secretary of the U.S. Department of Education. So, we are trying to do our due diligence by also reaching out to Department of Interior Secretary

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Haaland and those folks, to include the White House --

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: -- and I know your office.

So, we're trying to make sure, again, because, as the Pueblo's public health official, it's unfortunate that we're still at this time -- and it's hurt; we lost a lot of good people here in Santa Clara Pueblo and throughout Indian Country.

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: This virus is so unpredictable that, no matter what type of safety mitigation measures you put into place, it still finds ways to negatively infiltrate and impact our communities.

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: And, yes, I know the vaccines are there, but my biggest concern is for the younger adolescent children. I know there's clinical trials going on for 12 to 16 --

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MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: -- and then, 12 and younger. And so, because in Santa Clara -- and I'm pretty sure across the tribal nations -- we have multi-generational homes --

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: -- where grandpa, grandma, mom, dad, brothers, and sisters all live in that same household. And so, it's my concern that I want to make sure that they're protected.

MR. LESSARD: Oh, yes.

GOVERNOR CHAVARRIA: And we've also heard that they didn't fully vaccinate staff or folks have now become positive.

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: So, like I said, it's scary, and I don't want that to happen within our communities. The power of prayer is essential, and working together through the trust relationship and government to government is essential because --

MR. LESSARD: Yes.

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GOVERNOR CHAVARRIA: -- Santa Clara Pueblo has, again, in those letters issued our own public health order. We have now closed our Head Start, our community school.

And we just request that nothing adversely comes back to impact the Santa Clara Pueblo from future funding --

MR. LESSARD: Right. Yes.

GOVERNOR CHAVARRIA: and that the U.S. Department of Ed not penalize tribally controlled schools at Kha'p'o, withholding future funding for not administering those onsite assessments during this public health order or during our tribally declared public health emergency.

So, this is very important --

MR. LESSARD: Right.

GOVERNOR CHAVARRIA: -- and I appreciate your efforts.

MR. LESSARD: But my question would be to you, regarding No. 3 -- I mean, I know we have certain questions -- so, "Should the Department of Ed have general sessions on an annual basis or

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continue to have program-specific consultations?"

I think part of this is that we don't want to just have general sessions or listening sessions that are not relevant and do not rise to the level of real specific issues that are affecting you. So, to just kind of hold a general session on an annual basis and lump in a whole bunch of stuff -- but we want to make sure that we have program-specific consultations to address needs. And we would want you, and work with you, to identify what those program-specific consultations could be. So, we want to make sure that it's not just put on the side as a listening session or, you know, thank you for asking for this. We want to make sure that it rises to the level of meaningful consultation.

GOVERNOR CHAVARRIA: Yes, sir, Ron.

And I guess it's good luck to my brother, Governor Vallo from Acoma mentioning to identify maybe 5 to 10 priority areas that you can provide. But, at the same time, we'll also go back to our school and assist you.

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MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: So, this is a back-and-forth dialog. So, we understand there's problems and obstacles, but what are the solutions that we're all seeking as a team, because we are a team right now? And so, as tribal leaders, we've advocated to the White House, as mentioned, to the Office of Management and Budget, the Administration, but, then, also, I think through the House Appropriations Committee who had their appropriations hearing last week.

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: So, all these are very important avenues for tribal leaders to engage in, to make sure that the appropriations are adequate, and then, pass along to along the federal agency spectrum.

MR. LESSARD: Right.

GOVERNOR CHAVARRIA: Because if those federal agencies don't receive adequate appropriations, how does that resource filter

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down to us at the local level?

MR. LESSARD: Oh, you're just so right.

GOVERNOR CHAVARRIA: All these are very important aspects of this government-to-government relationship.

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: And how do we use this current Executive Order to the benefit of all our people from the youngest to the oldest, and in this example, education, which is very important?

So, I'll go back to my team. I know my team was listening on this call as well. And we will strengthen and put more specifics in our written testimony or comments that we'll submit here in the next couple of days.

MR. LESSARD: That's great.

GOVERNOR CHAVARRIA: And so, I support you in that, Ron, and we'll do the best we can to provide you some of our thoughts.

This can be a good, meaningful

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collaborative effort as we move along.

MR. LESSARD: Okay. Thank you.

GOVERNOR CHAVARRIA: So, again, like I said, the last two things, both of these serve as a broader approach while diverse tribes are allowed to participate, based on specific concerns and programs, within the consultation method and timeframe, to allow it to be extended for effective and impactful engagement. But, like I said, I'll go into more specific details on each one of these points that I just provided at this time.

So, thank you, sir.

MR. LESSARD: Thank you so much. We really appreciate your input and comments.

Also, under Executive Order 13175, be cognizant of the waiver section, that tribes can apply for waivers during grant competition. And that's something that is often neglected within 13175, but it's there. And it's something that tribes need to exercise that opportunity.

GOVERNOR CHAVARRIA: And as you know,

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that would be top of the list as a specific priority, to get that identified. So, the more information -- because, ultimately, there's some federal grants that come with a cost-match.

MR. LESSARD: Right.

GOVERNOR CHAVARRIA: And with these cost-matching obligations, tribes shy away from that, because how else do you come up with your 20 percent, 10 percent, 25 percent, 50 percent --

MR. LESSARD: Right. Yes.

GOVERNOR CHAVARRIA: -- cost-match in order to -- how would you say? -- capitalize on such a wonderful opportunity as it relates to education?

So, there are very specific requests that we've also made to the Congress, across-the-board cost-share waivers, because, again, during this time, our tribal businesses have remained closed. And we don't have a set tax base.

MR. LESSARD: Right.

GOVERNOR CHAVARRIA: So, it's hard for us to generate revenue in order for us to

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capitalize and go for other grants across the federal agency spectrum --

MR. LESSARD: Yes.

GOVERNOR CHAVARRIA: -- utilizing the existing authorities, and that is another financial hardship that's placed --

MR. LESSARD: Right.

GOVERNOR CHAVARRIA: -- an undue burden on all tribes. So, I think that's maybe a top priority we should also consider, Ron.

MR. LESSARD: I agree and thank you. And those are the kinds of things that we need to hear, that all federal agencies need to hear, as we consult on meaningful issues, you know, critical issues that affect our communities. So, thank you so much.

Next? Anyone else?

MS. RICHARDSON: We have three more hands raised. The next one is Patricia Whitefoot.

MR. LESSARD: Hello, Patty. How are you?

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MS. WHITEFOOT: Yes, I just wanted to respond to the question that you have here. And I didn't get my hand up early enough to get back to No. 2, but I'm going to start with No. 3 that you have up, Should the Department have annual sessions with our tribal communities?

I'm saying definitely. When time allows, I would say host the event in Indian Country, so it allows for our families, our parents, educators, and tribal leaders to participate in such an event and on a regional basis.

This has been done before, and I think it's important that the Department of Education come out to Indian Country. And, of course, you know we don't have the resources necessarily for folks to be able to travel to D.C. So, when the government reopens, I'm going to recommend that.

And in having these on an annual basis, I would take a look at what some of the specific challenges are, but at the same time what are some of the successes that we're having?

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And I would just like to say I'm very proud of the work that we're doing here in the Northwest with our tribal educators and leaders and our statewide officials. And I just want to call out one that we're currently working on in the State of Washington. Through our superintendent for the State of Washington, the agency was successful in receiving a comprehensive center grant for the now-Region 16.

Well, there have been changes in our regional centers. And I just want to speak to the outreach engagement of tribal communities. And so, as you move forward with these kind of opportunities, I just want to highlight successes, but also challenges that we face in our communities.

MR. LESSARD: Certainly.

MS. WHITEFOOT: I'd like to quickly go back to No. 2 that was regarding specific grants and programs that tribes encounter, challenges with services for our students in education.

The one that is here in the Northwest,

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based on our resolution through the Affiliated Tribes of Northwest Indians, not only here in the Northwest, but also throughout Indian Country, there is the issue of under-identification and misrepresentation of Native students, which ultimately denies essential support services for our children and families who may be eligible for specific services for their continued education.

MR. LESSARD: Yes.

MS. WHITEFOOT: And that particular program that we've been focusing on is migrant education. And so, we continue, through our ATNI, we continue to do this work and highlight this work. In collaboration with Education Northwest, what we did is we had a tribal education group that has been working on a case study, and we completed some work to continue addressing this. And currently, we have a pilot project in the State of Washington that's taking a look at migrant education through our Native Voices Arts Academy Program for middle school students.

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And so, we're continuing to use our educational pedagogy, our indigenous ways of knowing for our young people with regard to their identity as Native students. And so, we did complete a paper which is called, "Obscured Identities." We also completed an infographic chart and a short video on this issue. And we've shared it nationally, when we were able to travel, with various national organizations. And we want to make certain that we get that to the Department of Education, if you've not already seen that. And it's ongoing work, again, that I just wanted to highlight.

So, thank you for allowing me this opportunity to share this.

MR. LESSARD: Well, that's wonderful. Thank you so much, Patty.

MS. RICHARDSON: Next, we have Isaac Salcido.

MR. LESSARD: Okay.

MR. SALCIDO: Good afternoon, Ron.

MR. LESSARD: Hi. Hi. How are you?

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Please go ahead.

MR. SALCIDO: Thank you.

This is Isaac Salcido. I'm from the Gila River Indian Community in Arizona.

MR. LESSARD: Oh.

MR. SALCIDO: Regarding this No. 3 question, I definitely think that we should have program-specific consultations. In agreement with several of the earlier speakers, there are many nuances to the different grant programs and different projects that come out of the Department that have different implications for tribal communities. And so, I'm totally in support of having program-specific consultations.

That way, rather than a general session where we would be spread thin to try to cover several different areas, this will be much more helpful.

In regard to Question No. 2, there are two programs -- and I want to thank Governor Chavarria for addressing the testing waiver that's been requested by several tribes, with no response from the Department of Education. Many

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of our tribes are still in stay-at-home or safer-at-home orders and our schools are closed. And for the Department to issue a guidance that all schools need to do testing generally goes against the sovereignty of tribal nations.

The other piece on that is regarding specific grants, and Julian will probably love this, but I'm concerned about the discretionary grant program, the current one that the Department, the Office of Indian Education is running, the ACE grant. And we were fortunate enough to get that grant, but are really having some challenges with the limitations and with the guidance.

I certainly appreciate the technical assistance that has been provided, and we're getting closer, but when it comes to dealing with programs like the ACE grant, Native communities, and really trying to promote student achievement, I think that what we have to, the Department really has to think about is how different it is to try to run a program like that within a Native

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community that is a sovereign nation and which knows the needs of its members, and not try to privatize everything and not try to go that route that the previous Administration might have been promoting.

MR. LESSARD: I agree.

MR. SALCIDO: And so, I wanted to put that on the table because --

MR. LESSARD: Thank you.

MR. SALCIDO: Certainly. Thank you very much, Ron.

MR. LESSARD: Thank you so much. Yes, I agree and we will definitely kind of step it up like we should.

Okay. Next?

MS. RICHARDSON: Next, we have Edwina Butler-Wolfe.

MR. LESSARD: Hi, Edwina. How are you?

MS. BUTLER-WOLFE: I am doing fine. And how are you?

MR. LESSARD: Great. Thank you for

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joining us today.

MS. BUTLER-WOLFE: I am calling on behalf of, as a proxy for, the Sac and Fox Nation of Oklahoma. I am the Education Director of Sac and Fox Nation.

And I was going to talk a little bit about Question No. 3, to continue to have program-specific consultations. And I think that I would like to see that continued for the specific consultations, due to any kind of -- take, for example, the ESSA. The ESSA consultations will be really handy here in Oklahoma, as this is the time of the year that we have our consultations with the public schools.

And I still feel that there is still some misunderstandings of what that is all about.

And I had always asked this question at different meetings, when we did have meetings, which was, what if a tribe, like if Sac and Fox Nation was sitting in on an ESSA and we didn't agree, we did not agree to how the funds were being utilized for our American Indian students

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in that particular school? What's the consequences of what the tribes could do on behalf of that, other than just not signing the document? That's what the public schools, that's what they're all concerned about, is getting that document signed.

So, I'd like to see more of that kind of area specific consultations being developed and being looked at, as here in Oklahoma, you know, it's all of our kids are in public schools.

And then, we as Education Directors of tribes and leaders of Oklahoma, we all sit down and talk to the schools about how are they utilizing that.

And I just really feel uncomfortable about being in that situation, as I was a former tribal leader, and now I am in the education department field. And I've got many years in education and in Indian education.

So, that's what I'd like to see happen, to continue to do those specific consultations that we have. And like the speaker before me, the call-in said, you know, if you do

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it annually, you're going to have a whole bunch of topics there, and are you really going to get anything sorted out or is it going to be unsorted? So, I just think the specific consultations I would like to see continue.

Thank you.

MS. RICHARDSON: Thank you.

We have another hand raised from Lisa Rieger.

MS. RIEGER: There we go. It's Lisa Rieger. Thank you so much from the tribal council in Anchorage, Alaska. (Audio interference.)

I wanted to, on behalf of our organizations, we've got a couple of comments, in general, about the consultation process.

First of all, we urge the Department to include Alaska Native organizations as they are defined in the ESSA and those (audio interference) with which the Department is consulting, particularly because the Alaska Native (audio interference) program is so

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essential to serving Alaska Native students, both in the public schools and in their tribal schools.

And then, we also wanted to make a point that we have heard already today a couple of times. And that is that it's really of primary importance not to place the overall Education Department priorities on the Alaska Native and American Indian programs. They don't necessarily reflect the specific needs of the Native students, and the judgment from Gila River hit the nail on the head on that one, because it was really forcing square pegs through round holes, when the tribal organizations themselves are the ones that are offering the choice to our Native students.

So, I just wanted to offer three examples of that. The ANEP legislation clearly describes what the proposed priorities should be.

But, in past years, the Department has imposed its own agenda on the ANEP program and diverging from those very statutory and broad imperatives

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that Congress proposed. So, those should never be decided without tribal input.

And then, similarly, in the demo projects for Indian ed, I think I just addressed that, but it's those kinds of priorities really should only be identified in conjunction with tribes and tribal organizations.

Secondly, about administrative class limitations which are inconsistent with the federally recognized indirect cost rates for tribes and tribal organizations and really create issues for tribes and tribal organizations that negotiate those rates on an annual basis with the federal government. So, the Department should honor those rates and substitute those for the administrative limitations.

And then, lastly, the Department should not make a decision that tribal voc rehab is not eligible for inclusion in the 477 plans of tribes that are implementing those programs without consulting with the tribes. That also has a serious consequence on tribes and tribal

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organizations and we urge the Department to consult with.

And then, as so many have said before, bring on that information and change policies and procedures because of it.

Thank you so much for your time and all of the efforts, and we really appreciate it.

We stand ready, willing, and able to partner with you on behalf of Alaska Natives and American Indians.

MR. LESSARD: Thank you so much. Thank you very much.

MS. RICHARDSON: We have one more hand raised from Cecilia Fire Thunder.

You should be able to unmute your line at this time.

MS. FIRE THUNDER: Hi. Can you hear me?

MS. RICHARDSON: Yes, ma'am.

MS. FIRE THUNDER: Hi. Good afternoon. Hi, Ron. I'm Cecilia.

MR. LESSARD: Hi. How are you?

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MS. FIRE THUNDER: I'm always good, thank you.

MR. LESSARD: Oh, thank you for joining us today.

MS. FIRE THUNDER: Well, I've been listening to all the comments.

MR. LESSARD: We've got a lot of old friends calling in.

MS. FIRE THUNDER: Huh? Well, I was listening to all the comments, and then, I realized that, once the tribal leaders quit speaking, then us common folks could get on, correct?

As I'm listening, you know, the Department of Education, when we begin to look at our tribal communities, we have a variety of educational systems in a tribe. For example, I represent a 100-297 school in Carlisle, South Dakota.

MR. LESSARD: Yes.

MS. FIRE THUNDER: We have six 100-297 schools on Pine Ridge. We have one BIA school,

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and we have four public schools, and we have two private Catholic schools, and we have nine college centers across the nine communities. Okay?

So, as I'm listening, one of the things that concerns me, unless you're on top of what's going on at the 100-297 schools, we don't usually get timely information from our tribes on discussions that they're having with the Department of Education.

My recommendation would be for the DOE, Department of Education, your office, in particular, to make sure that the BIE gets the information and the BIE gets it down to the 100-297 schools. And that way, our schools will know what's going on. Because, more often than not, tribes --

MR. LESSARD: Okay.

MS. FIRE THUNDER: -- are iffy, so they may forget to tell us something important that we need to be on top of.

MR. LESSARD: Okay.

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MS. FIRE THUNDER: All of these tribal schools belong to NIEA. And so, again, use the NIEA as a place to funnel information, and they'll get that on their website. And then, when we pull up the website, we'll know that there's something important that we need to pay attention to.

So, communication is really crucial right now.

MR. LESSARD: Yes.

MS. FIRE THUNDER: And I know firsthand that, unless you're on top of what's going on, more often than not, the school boards that represent 100-297 schools may not know what's going on. Okay?

MR. LESSARD: Right. You're right.

MS. FIRE THUNDER: So, to me, it is really important.

MR. LESSARD: Well, thank you. You know, I love you dearly and love all the work you have done all these years, because, you know, I'm a Sun Dancer and I Sun Dance in Rosebud. So, my

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heart is close to your community.

But I want to say that that's always been an issue with me, is communication and the gaps in communication. So, sometimes we'll put something out, or I'll inform BIE, but sometimes it doesn't go out in a general way that gets to everyone. So, that's really important because we work on a lot of other things, but one thing that I don't think we've updated is how we communicate, not just with the tribal leaders, but with the education leaders in each tribe. But, yes, I thank you for that so much because we need to work on that much better.

MS. FIRE THUNDER: Okay. The other comment I want to make is on, Should the Department of Ed have general sessions on an annual basis? As I'm listening to a variety of educational systems that serve Indian students, for example, you have public schools on Indian land. Well, their issues are different than mine at the 100-297 schools. I think those general sessions specific to an education program, for

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example, even tribal colleges and universities, their needs --

MR. LESSARD: Yes.

MS. FIRE THUNDER: -- would be different than 100-297s. The discussion would be different.

So, I think that if a decision is made to have general sessions with specific educational agencies, like 100-297 schools or public schools or tribal colleges and universities --

MR. LESSARD: Right.

MS. FIRE THUNDER: -- be specific. When you throw us together, we end up fighting.

(Laughter.)

MR. LESSARD: Right.

MS. FIRE THUNDER: And as a tribal member, one of the things, the information I hear really gripes me. Ten percent of Indian students go to schools in schools on Indian reservations, and the rest of them go to public schools.

MR. LESSARD: Right.

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MS. FIRE THUNDER: Every time I hear that, it just rankles me.

MR. LESSARD: So, I have a question for you that I think would help. So, under Executive Order 13175, obviously, when we have issues within the federal government that rise to the level of having tribal impact, we would do a consultation. I always say, "capital TC," like a big consultation. But, really, a lot of the things that we do fall under that headline, "tribal consultation." But I think what's important is that there are things that rise to a level that information needs to be shared, but it might not necessarily be a consultation.

So, that's why I was looking at this question. I mean, if we had general sessions or monthly kind of sessions where tribal leaders could call in, we don't have to necessarily always do a formal consultation. And I'm just wondering what you think about that.

MS. FIRE THUNDER: I think that's a great idea.

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I'm sitting here looking out of my window; it's snowing a little bit out in the middle of the prairie here. And unless you're proficient in using the internet, and have access to a computer like I do -- and many tribal leaders, and I'm not tribal council, tribal leaders can be myself, being on a school board.

MR. LESSARD: Right.

MS. FIRE THUNDER: So, we need to clearly define that. Sometimes when you say, "tribal leaders," then it kind of shuts the door for the rest of us.

MR. LESSARD: Yes.

MS. FIRE THUNDER: We have the expertise of what's needed out there in our schools. And this is the public school board as well as tribal school boards. Okay.

So, I'd like for you to somehow make your consultations user-friendly, not just for tribal elected leaders, but for tribal leaders across the board who work as --

MR. LESSARD: Yes.

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MS. FIRE THUNDER: -- an employee on education.

MR. LESSARD: Right.

MS. FIRE THUNDER: And then, including tribal colleges.

MR. LESSARD: Yes.

MS. FIRE THUNDER: As I'm sitting here listening, I have not heard much about the need to enhance our tribal college to train more teachers. We have a teacher shortage area.

MR. LESSARD: Yes, yes.

MS. FIRE THUNDER: You know we have a teacher shortage. All right? So, I've yet to hear any comments about how the Department of Ed could help us generate additional resources, so our tribal colleges can add more courses and classes to train more of our Indian citizens to teach in our classrooms.

MR. LESSARD: Well, yes, again, I thank you for that. Because I work closely with AIHEC and have worked, I mean I have spoken to the Board every time they have a session, and

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work with Carrie and those folks.

And aside from funding that's available for tribal colleges through Title III, there are other things that we need to do at the Department to enhance and raise the level of tribal colleges, like the HBCUs have been raised.

I know funding for HBCUs is quite good, and that we need to work on things that can open the eyes of leadership to include tribal colleges and universities in that extensive -- make awareness to that; rise it to the level that leadership is aware of TCUs.

MS. FIRE THUNDER: And I don't like the separation.

MR. LESSARD: No.

MS. FIRE THUNDER: You know, on tribal (audio interference), we have a variety of educational systems. And even at your level of the Department of Ed, can we not be a team and be partners where we can help each other versus separating --

MR. LESSARD: Yes.

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MS. FIRE THUNDER: -- us out and having battles?

And then, to that end, I'd like to make one more comment. The Department of Ed -- again, a couple of weeks ago, we had an NIEA -- we did a Zoom with their conference.

MR. LESSARD: Right.

MS. FIRE THUNDER: And there was a lot of information with all of the committees, the committees that are responsible for the budget, your budget.

MR. LESSARD: Yes.

MS. FIRE THUNDER: And the BIE budget.

As a 100-297 school representative, we are still struggling with making sure that our 100-297 schools are getting the kind of resources we need.

MR. LESSARD: Right, right.

MS. FIRE THUNDER: It's about increasing the line item in the BIE budget for tribal schools for facilities.

For those of you who are listening who

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are 100-297 schools, let me just give you an example.

MR. LESSARD: Okay.

MS. FIRE THUNDER: We look at our ISEP budget. ISEP is for education, and yet, many of our tribal schools are using ISEP dollars to make up for shortfalls in facilities and, also, make up for shortfalls in food service.

So, at the Department of Ed -- Ron, sorry, I need to follow up with you on this --

MR. LESSARD: Okay.

MS. FIRE THUNDER: -- how can we, you and I, start the process to get USDA to have consultations with tribal schools to increase our budget to buy food --

MR. LESSARD: Yes.

MS. FIRE THUNDER: -- for our kids?

MR. LESSARD: Yes.

MS. FIRE THUNDER: Because when you're in a rural community like some of us in New Mexico or South Dakota, getting the food from point A to point B can be prohibitive. And so,

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we need some help --

MR. LESSARD: Yes.

MS. FIRE THUNDER: -- to increase our school lunch program budget.

I have so much more to say, but thank you for listening to me.

MR. LESSARD: Well, thank you.

I know that a couple of folks have texted me about how our grant programs should not be grants as much as tied to like appropriations and the federal trust responsibility, of not getting increases based on what the budget does, the federal budget, because the trust responsibility requires that so many things are cared for in education and health care. But it's so tied to the budget, like grants, but shouldn't be.

And I think that's something I need to raise, and I hope others will support me within the Department at that time. We need to look at ways -- I mean I understand that grants are appropriated and funding for that, but there

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needs to be some recognitions of the trust responsibility and the sovereignty.

Okay. Anybody else? If not, we'll move on to the next question.

MS. RICHARDSON: Ron, this is Mardella.

Just to let you know we are coming into the last six minutes for the tribal consultation.

MR. LESSARD: Okay.

MS. RICHARDSON: And there was a request in the chat box to hear comments from the public as well.

MR. LESSARD: Yes. So, if we don't have any additional tribal leader comments -- and if we do, we should take them -- but, if not, can we move to any public comments? Is there anyone that would like to provide some comments? And then, we'll close out soon.

And just please remember, if we don't have time to include your comments, please, you can send your comments to me at

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ron.lessard@ed.gov. So, we can accept written comments by the end of the week, and then, we will be reviewing those and including your recommendations in, as we create our implementation plan, which will go to the OMB and the White House.

MS. RICHARDSON: There is one hand raised from Ami Admire.

MS. ADMIRE: That's Ami Admire.

MS. RICHARDSON: I apologize.

MR. LESSARD: Hi, Ami.

MS. ADMIRE: That's okay.

(Native language spoken.)

My name is Ami and I'm from the Rincon Indian Reservation in San Diego County.

MR. LESSARD: Oh.

MS. ADMIRE: Uh-hum. So, thank you for having me.

I'm not a tribal council member, but I want to reiterate what Miss Cecilia was saying about the language. I feel that outreach is necessary to more than just tribal officials and

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elected leaders, because there are those of us who actually do the groundwork with our students and know the needs of our students, being not tribal officials.

MR. LESSARD: Right.

MS. ADMIRE: Just because someone is a tribal official does not mean that they are doing the work with our students. A lot of times, tribal officials have other responsibilities and leave those jobs to the people doing the work.

And as far as information, we have been struggling here to find support with Indian education codes and how they relate to ESSA, and then, relaying that information to our school district.

MR. LESSARD: Right.

MS. ADMIRE: San Diego County has the most reservations of any county in the country, and our district is continually telling us that we are guests in our district. And we are trying to tell them that we are not guests in our district.

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MR. LESSARD: Right.

MS. ADMIRE: And we really need the support to be able to articulate codes, so that we can get them to work with us in a more meaningful and collaborative way.

MR. LESSARD: Yes.

MS. ADMIRE: And so, they can stop treating us as if we're guests in our district.

MR. LESSARD: Actually, they are the guests.

MS. ADMIRE: They are the guests, but --

MR. LESSARD: Yes.

MS. ADMIRE: -- it's so challenging that we are not experts in ESSA. We know how we read the ESSA Indian education codes.

MR. LESSARD: Right.

MS. ADMIRE: But we need an expert to come in because they only listen to people --

MR. LESSARD: Right.

MS. ADMIRE: -- from the outside community. They don't take us seriously.

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MR. LESSARD: So, I have a question. What would be best? Because when we do tribal consultations, we're kind of under the guide of Executive Order 13175, which is with elected officials of tribal governments, and that's our charge under that Executive Order. And that's generally to reach out to tribal leaders, and hopefully, if they are or are not available, they will designate someone from the tribe to respond.

But do you see that maybe we could do some additional kind of webinars or listening sessions which are not specifically for tribal leaders under the Executive Order, but are just general, kind of like here we are and we want to provide some information to you? How would that best work for you if we did something like that?

A webinar or what?

MS. ADMIRE: So, I would suggest reaching out to our Indian Education Centers --

MR. LESSARD: Okay.

MS. ADMIRE: -- that are funded by the California Department of Education (CDE). And

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then, for us, like almost every reservation, at least in our County, has an Education Center that would be tribally funded, and not funded by the CDE. Our program happens to be funded by the CDE.

MR. LESSARD: Okay.

MS. ADMIRE: But we can, then, reach out to our sister Education Centers and let them know about the opportunity for this.

MR. LESSARD: So, my question would be then, how you received this information was through Tribal Tech, I would imagine?

MS. ADMIRE: It was through a listserv I signed up for through Title VI. Our school receives Title VI funding.

MR. LESSARD: Oh, okay.

MS. ADMIRE: And I'm on the Title VI Parent Advisory Committee.

MR. LESSARD: Okay. So, it's something maybe sending out to Title VI? Maybe just a call with Title VI grantees would be something that we could do.

MS. ADMIRE: Yes.

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MR. LESSARD: But, yes, I mean, definitely open to like figuring out how we can make it happen.

MS. ADMIRE: Yes. Because that's another resource that we are in desperate need of as well, is Title VI resources.

Just for clarification on Title VI, between the district and ourselves, and then, just having access to help, again, I have sent numerous, numerous emails to the many different departments of the California Department of Ed and the U.S. Department of Education, and just waiting on emails back and forth --

MR. LESSARD: Well, please see my email address and send it to me. And I will make sure your email gets to the right people, or whoever you want me to give it to.

MS. ADMIRE: We really appreciate that because we do hear a lot about the federal trust responsibility, and I know I've heard about it here today.

MR. LESSARD: Yes.

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MS. ADMIRE: And I feel that our schools might not have (audio interference) --

MR. LESSARD: I mean, for me and for the Department of Education, it is not just -- it's very important that we adhere to the federal trust responsibility.

And look at, why do we even have Indian education? I do a whole session on Indian education and the history of it. I mean, we have Indian education based on treaties and the trust responsibility, treaties and all kinds of Supreme Court decisions, and other things, as to why we, as Indian people, are provided health care and Indian education.

And it's important to emphasize that.

It's not just a nice thing that the government wanted to do one day. It's something that is because of our treaties that we have Indian education and health care, and other things. So, that's important to me, that we get that out to you.

I wanted to mention, go back to -- go

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to the next slide, please.

MS. ADMIRE: Thank you.

MR. LESSARD: Do people have any questions as far as submitting comments? I don't want to get into a lot of questions about other things, but I just want to make sure you understand why we are having our consultation and regarding Executive Order 13175 and President Biden's Executive Order and the memorandum. And if you have any questions on submitting comments?

(No audible response.)

So, if not, I'd like the next slide, please.

Before I move on, I would like to, before I go to my last comments, I would like to ask Julian, if you're available, Julian, to please provide some closing remarks to everyone.

I think it's important that everyone knows who Julian is. Julian is our new -- fairly new, but he's been around for a while -- Director of the Office of Indian Education, and again, a lot of these issues regarding grantee work and

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Title VI, those things come under Julian's purview, and he's amazing. So, I encourage you to reach out to him, if necessary.

So, Julian, if you're available, please provide a few closing comments.

MR. GUERRERO: Thank you so much, Ron. You're too kind with those remarks.

Despite my, quote-unquote, "amazingness" here, I think it's still important for everyone to maintain accountability, myself as the Director and my office, and all the other good colleagues of mine who do the work on behalf of Native students. We're committed to the work, no doubt, like I had mentioned at the beginning of this consultation.

And I think I want to just leave departing kind of thoughts. In a lot of ways, the work we do shapes the future, and helping support and guide Native futures is critical to the future of Indian Country. And that's how serious we take our work, and we're committed to that and all of our grants, not just our OIE

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grants. Native students are affected by a plethora of grants offered by the U.S. Department of Ed, as well as our other federal colleague agencies. So, we're committed to the work.

Please stay connected. Stay tuned. sign up for our listservs. And we look forward to the next time that we can consult again. And this is not the last time. We will also have more opportunities in the future.

So, thank you so much, everybody.

MR. LESSARD: Thank you, Julian.

The other question that has come in -- Mardella, you might see, do we have -- some of the comments that have been received could be made available to folks, like email addresses from some of the participants. We can work on that.

But there's a lot of great conversation, great questions, great comments, and we will gather those comments.

Please make sure that, if you have written comments, you send them to me by the end

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of the week, by the 23rd. It's very important because we want to gather all your comments, look at them.

We have to provide our action implementation plan to OMB within the next week or so. So, we want to make sure that we include everything that you have sent to us and include your comments, because we highly honor them and respect you and those comments.

So, with that, I'd like to thank everyone. We thank Tribal Tech. And thank Julian and Director Ryder, Ruth, for being here today.

And thank all of the tribal leaders especially that have contributed. So, we thank you.

And we will be in touch. Thank you.

(Whereupon, the above-entitled matter went off the record at 4:07 p.m.)

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