



Fourth Meeting  
2009 Interim  
November 12, 2009

Room 412  
State Capitol Building  
Pierre, South Dakota

### Thursday, November 12, 2009

The fourth meeting of the Legislature's State-Tribal Relations Committee was called to order by Senator Jim Bradford, Chair, at 9:20 a.m. November 12, 2009, in Room 412 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford and Craig Tieszen; and Representatives Ed Iron Cloud III, Kevin Killer, Carol Pitts, and Dean Wink. Excused were Senators Dan Ahlers, Ryan Maher, and Russell Olson; and Representative Kent Juhnke.

Staff members present were Tom Magedanz, Principal Research Analyst, Legislative Research Council and Reta Rodman, Legislative Secretary.

(NOTE: All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was webcast live. The archived webcast is available at the LRC web site at <http://legis.state.sd.us> under "Interim Information – Minutes and Agendas.")

A prayer was offered by Gene McCowan, Pierre Indian Learning Center.

**REPRESENTATIVE DEAN WINK MOVED, SECONDED BY SENATOR CRAIG TIESZEN, THAT THE MINUTES OF THE SEPTEMBER 16-17, 2009, MEETING OF THE STATE-TRIBAL RELATIONS COMMITTEE BE APPROVED.** The motion prevailed on a voice vote.

### Opening Remarks

**Senator Jim Bradford**, Chair, thanked the committee members who attended the last meeting in Rosebud and reminded everyone to sign in. Senator Bradford informed the committee that he had received a letter from the Department of Public Safety advising that the Drivers Licensing Examination Station in Mission would not close as originally planned. This was after the committee directed at its September meeting that a letter be sent to the department requesting that the Mission station remain open.

### Overview of Native American Education Issues

**Ms. Deb Barnett**, Deputy Secretary, South Dakota Department of Education, introduced the department's Interim Indian Education Coordinator, Stuart Zephier. Deputy Secretary Barnett gave a brief overview of Mr. Zephier's background and said that the previous coordinator, Keith Moore, had taken another position at the University of South Dakota. She discussed several programs of the department related to Native American students.

**Mr. Stuart Zephier**, Interim Indian Education Coordinator, Department of Education, distributed copies of reports on the department's activities affecting education for the Native American community (**Document #1**). The reports included the following:

- 1) Overview of American Indian Education Issues and Organizational Structure,
- 2) Core Concepts Working Group,
- 3) South Dakota Indian Education and Dropout Prevention Summit,
- 4) USDOE/SDDOE Meeting,
- 5) Quotes from Attendees of the Dropout Summit,
- 6) Introduction and name of the BIE schools, and
- 7) The Indian Education Advisory Council.

Mr. Zephier handed out a video entitled "Bridging the Gap: Native American Education" (**Document #2**). The committee viewed the video, which was produced by South Dakota Public Broadcasting for the Department of Education.

Mr. Zephier presented statistics on graduation rates, Dakota Step Math and Reading scores, and ACT Composite scores comparing all students and Native American students in South Dakota:

- 2006 Public Schools Graduation Rate: ALL=94.5%, NA=67.5%
- Public Schools Dakota Step Math: ALL=73%, NA=42%
- Public Schools Dakota Step Reading: ALL=83%, NA=59%
- ACT Composite: State=21.8, NA=17.5 (Mean=18.0).

Responding to questions from committee members, Mr. Zephier said that the legislation requiring the teaching of Native American history and culture is recent and has not had enough time to work its way into the schools. He said that the Core Concepts program, which covers the development of history and cultural curricula, centers around individuality in the schools of South Dakota. He informed the committee that SDCL 13-1-51 will probably take two or three years to implement in the schools.

Mr. Zephier's detailed presentation included descriptions of various grants that are available, the role that the Bureau of Indian Education plays in the operation of the schools located on South Dakota Indian Reservations, and the South Dakota Indian Education and Dropout Prevention Summit.

### **Pierre Indian Learning Center**

**Mr. Gene McCowan**, Residential Director, Pierre Indian Learning Center, (PILC), thanked the State-Tribal Relations Committee for including the Pierre Indian Learning Center in the meeting. He distributed **Document #3** which included an outline of PILC's presentation. Mr. McCowan told the committee that he was not Lakota but came from a tribe in North Dakota. He started working at the Pierre Indian Learning Center in 1990.

He introduced **Dr. Veronica Pietz** who is the Principal of the Pierre Indian Learning Center. She said she is from Pennsylvania and had been working at PILC for 14 years. Dr. Pietz said that she had worked exclusively in Native American schools. She reported that PILC works with children from six years to 15 years of age.

**Mr. McCowan** explained PILC's philosophy and history. He said that after 1972, the school's new direction was to meet the special needs of Indian children who could not be accommodated in their home communities. However, during the 1970's the BIA deemed the school unsuccessful and suggested termination. Due to the efforts of the Tribes and communities as well as the people in the city of Pierre, the school remained open. Mr. McCowan reported that PILC present day is a 24-hour residential facility serving children from 15 tribes in a three-state area (and sometimes greater).

**Dr. Pietz** informed the committee that the Pierre Indian Learning Center is neither a psychiatric nor juvenile detention facility. She said that children cannot be sent to PILC by the court. Dr. Pietz discussed the characteristics of students who attend the school:

- 205 children attend PILC grades 1-8,
- 43% of children on IEP's,
- 78% children have a history of sexual abuse,
- 64% of students have a history of physical abuse,
- 78% of students homeless,
- 100% free or reduced lunch,
- 50% of students are new to PILC each year, and
- 72% of new students missed 20 or more days of school in their most recent year of attendance.

**Dr. Pietz** stated that the academic department includes 2 hour and 15 minute reading and writing blocks, age-appropriate core, intervention and supplemental programs interwoven according to the needs of students with small student to teacher ratios, and on-going professional development and coaching. She said the No Child Left Behind Act has an effect on the issue of alternative schooling.

**Mr. McCowan** said the biggest threat for the student's lifestyle is the presence of gangs. To counteract this problem, the school has evening activities four nights a week, structured and organized group activities, and curricular materials that focus on social skills and on alternatives to gang lifestyle, alcohol, and drugs. Mr. McCowan reported that the children attending Pierre Indian Learning Center are happy at the school. The school provides activities such as the climbing wall, paintball, therapeutic riding program, and a full range of sports.

**Dr. Pietz** told the committee that there are three reasons why a child leaves the school: families are transient, the child is kept at home because of being a primary caregiver, and the economic impact on the family when the child returns to school.

The committee recessed for lunch at 12:00 pm and reconvened at 1:15 pm.

#### **Tiospa Zina Tribal School – Structure, Activities, Issues**

**Mr. Ted Hamilton**, Superintendent, Tiospa Zina Tribal School, Sisseton-Wahpeton Oyate, told the committee that Native American children have three citizenships: federal citizenship by right of conquest, state citizenship by right of geography, and tribal citizenship. He said 85% of the children attending Tiospa Zina are there every day. He discussed the history of the school and noted that recruiting and keeping faculty can be difficult in some schools. He also discussed how to measure success and adequate yearly progress (AYP) under the No Child Left Behind Act.

**Senator Tieszen** asked about the standards set for our children and No Child Left Behind. He also asked about the challenges in setting milestones or standards and what makes a more successful school or a less successful school. Mr. Hamilton said that relationships and stability make a school successful. He said the Tiospa Zina Tribal School has been very successful in keeping their teachers in the school system but that isn't always the case with every school.

### Oceti Sakowin Education Consortium

**Mr. Brian Wagner**, Interim Director and Special Education Coordinator, Oceti Sakowin Education Consortium (OSEC), distributed pamphlets providing an overview of OSEC (**Document #4**). He said that OSEC has developed many services to member schools. Those services include: school improvement, special education, and student services. He said through collaboration the educators, parents, and students build a future through culture-based education. Mr. Wagner reported to the committee that OSEC is a collective effort on the part of the schools, colleges, and tribes to improve education for Native American children.

**Miranda Eastman**, Assessment Coordinator, OSEC, told the State-Tribal Relations Committee that they are working on alternative AYP standards, and there are nine schools that contributed to work on the standards:

- Porcupine School,
- Isna Wica Owaya,
- Wounded Knee District School,
- Little Wound School,
- St. Francis Indian School,
- Toka Nuwan Wayawapi,
- Tiospa Zina Tribal School,
- Takini School, and
- Crazy Horse school.

### Oglala Sioux Tribe Education Department

**Dayna Brave Eagle**, Director, Oglala Sioux Tribe Education Department, introduced Gloria Coats Kitsopoulos and Lydia Bear Killer.

**Gloria Coats Kitsopoulos**, Superintendent, American Horse School, described the problems her school has encountered because of the No Child Left Behind benchmarks not remaining consistent. She said the benchmarks would work if all children were the same.

**Lydia Bear Killer**, Oglala Sioux Tribe Education Coordinator, distributed a document entitled “Resolution of the Oglala Sioux Tribe Council of the Oglala Sioux Tribe” (**Document # 5**). She explained that the resolution passed in July, 2009 and requests the State of South Dakota to consider an Alternative Adequate Yearly Progress for Native American students on the Pine Ridge Indian Reservation.

**Dayna Brave Eagle** discussed with the committee the various issues she encounters as director of the Oglala Sioux Tribe Education Department. Some of these include: vision statement, mission, philosophy, goals, challenges, and the graduation rate of the students. She said there are 5,000 Native American students in South Dakota and 500 students in the Head Start program. Ms. Brave Eagle stated that Native Americans are 9 per cent of South Dakota’s population.

**Representative Pitts** thanked everyone who testified.

### Public Testimony

Written testimony was submitted by **Representative Killer** on behalf of Jim Curran (**Document #6**).

**Mr. Chuck Jacobs**, Coordinator, Scenic Byway Program, briefed the committee on the Crazy Horse National Scenic Byway. He stated that the Oglala Sioux Tribe Parks and Recreation Authority (OSPRA) is pursuing

Federal Highway Administration approval for the 215 mile byway. He said the Crazy Horse Scenic Byway will begin at the eastern gates of Interstate 90 at Kadoka and Cactus Flats and will continue through the Badlands, Pine Ridge Indian Reservation, and the Black Hills, terminating at Crazy Horse Memorial Mountain. **Representative Wink** asked Mr. Jacobs whether there would be restrictions for property owners such as where they can and can't build homes. Mr. Jacobs responded that he had not heard or read anything pertaining to that information.

**Mr. Tom Katus** distributed copies of pamphlets, proposed House Concurrent Resolutions, and varying letters encompassing an overview of his testimony (**Document #7**). Mr. Katus reviewed six proposed House Concurrent Resolutions with the State-Tribal Relations Committee. Committee members stated that they needed more time to review the resolutions and noted that four members were absent. They noted that further discussion would be needed before they could vote on the resolutions. Therefore, no action was taken at this time.

**Ms. Phyllis Boernke**, Rapid City, described for the committee the concept of restorative justice practices. She said that the proposed resolution endorsing restorative justice concepts would strengthen the options available to address persistent problems in criminal and juvenile justice by using restorative justice practices. Ms. Boernke said that more training and adult mentors are needed, although funding could be an issue.

**Melanie White Eagle** testified that she is a single mother living in Pierre, South Dakota, and thanked the committee for allowing her to testify. Her concern is in what she calls the "grass roots pipeline". She said that parent involvement is very important in the life of a child. During earlier testimony it was stated that in two or three years there would be a summit addressing school issues. However, she said that the time frame will be too late.

#### Committee Discussion

**Mr. Zephier** expressed his opinion on several issues. He said he felt that establishing a Legislative Task Force to study State and Tribal issues was an excellent idea to pursue. He stated that the idea of bringing tribal and nontribal individuals to the table when decisions are being made concerning both parties is a very good idea. Mr. Zephier submitted a document entitled "Bureau of Indian Affairs Office of Indian Education Programs" (**Document #8**) to be placed on record with the State-Tribal Relations Committee.

#### Adjournment

**MOTION BY REPRESENTATIVE PITTS, SECONDED BY REPRESENTATIVE IRON CLOUD III THAT THE MEETING ADJOURN.** Motion prevailed on a voice vote.

The meeting adjourned at 5:40 pm.

