

**MINUTES**  
**IDAHO COUNCIL ON INDIAN AFFAIRS**  
**JUNE 10, 2004**  
**FORT HALL, IDAHO**

*Draft Subject to Approval of the Council*

In attendance were: Representative Hilde Kellogg, Chair; Nancy Eschief Murillo, Vice-Chair; Senator Joe Stegner; Senator Marti Calabretta; Representative Joseph Cannon; Lance Giles, Office of the Governor; Chief J. Allan, Coeur d'Alene Tribe; and Gary Aitken, Kootenai Tribe.

Others in attendance included: David Kerrick, Nez Perce Tribe; Eric Van Orden, Ernie Stensgar and Norma J. Peone, Coeur d'Alene Tribe; Marlene Skunkcap; Emaline George; Barbara Neaman; Debra Rodriguez; Lucille Edmo; Rick LaPointe, Bureau of Indian Affairs; Dilbert Farmer; Shirley Alvarez; Wayne Waddoups; Wynona Boyer; Howard Dove; Lori Edmo Suppah; Maxine Edmo; Brenda Honena; Delila George; and Natalia Lavatta.

Nancy Eschief Murillo opened the meeting and explained the background of the Shoshone-Bannock Tribes and Reservation.

Shirley Alvarez with Indian Health Services welcomed the Council and discussed the corollary between health care status and educational outcomes. She said she appreciated the concerns of the tribal entities and was hoping to work toward greater support for Indian families and children.

Rick LaPointe, Bureau of Indian Affairs (BIA) Superintendent with the Fort Hall Indian Agency, discussed the background of the agency and the goal of the BIA in protecting and enhancing the natural resources and land bases on the Reservation. Of the 4,500 tribal members, he said that about 2,000 were landowners on the Reservation. Mr. LaPointe explained the background of Reservation resources, and stated that the education topic of the meeting was particularly important. He said that they are trying to teach the children what is "relevant"; however, certain questions on standardized testing are necessarily at odds with such teaching. For instance, Mr. LaPointe stated that when asked "who discovered America," Indian students would not necessarily provide the answer that the test givers were wanting, i.e. Christopher Columbus. He said that Indian students have not learned how to "take tests" and that the families do not pressure them to learn that because testing is against the cultural values of acceptance and cooperation, as opposed to competition.

Senator Stegner moved that the minutes from the March 11, 2004, meeting be approved. The motion was seconded by Gary Aitken and approved by a unanimous voice vote.

Lance Giles introduced himself as the new representative from the Governor's Office on the Council. He stated his focus would be on issues related to transportation, natural resources, and

Indian affairs.

Chairman Edmo said that he attended Fort Hall School. He said many parents were concerned about assaults by teachers and the fact that physical and occupational therapists were recommending Ritalin for the children. He said his son has cerebral palsy and they put him in special education classes without conducting any testing. Mr. Edmo continued by stating that as a student, there was always an active PTA at the Fort Hall School; now, however, the parents are disengaged and their participation is not invited. He said he would like to see more involvement through an active PTA. He said that a task force had been formed in the Blackfoot School District but that it lacked follow-up and its activity has since dropped off. He noted that there was a lack of adequate resources for children to learn; for instance, resource books were donated because the social studies books the students were using were very outdated. For instance, they still referred to the Berlin Wall. He said Indian students need equal access to knowledge, and they need to make sure that kids don't fall through the cracks by promotion to the next grade level without meeting certain milestones.

Ernie Stensgar stated that he attended the Tribal/Hispanic Conference that discussed the educational problems facing minorities in Idaho. He said Idaho education offerings were not meeting their special needs. Mr. Stensgar noted that statistics in Idaho show that Indian students score far lower, and he said that standardized testing in Idaho is unfair and the State Board of Education needs to be made aware of this. He said the tribes have put education as their number one priority in terms of tribal dollars, but too many kids are still failing or dropping out. Mr. Stensgar asked the Council to request the State Board of Education to assist and provide expertise to the Tribes to get Indian students on a par with the rest of Idaho's students.

Senator Calabretta asked Mr. Stensgar about any recommendations for a closer relationship with the State Board and what steps the Tribe and Council could take regarding those recommendations.

Mr. Stensgar replied that the Tribe has sent a number of resolutions to the State Board and that he would provide that testimony to the Council.

Mr. Aitken stated that he sees ninth graders being promoted to the eleventh grade because they cannot pass the required test given in the tenth grade. As seniors, he said, these students are not able to graduate because they don't have the requisite knowledge.

Lori Edmo Suppah explained the situation of her son, who attends school in the Pocatello School District. She stated that her son was a good student until he reached junior high and high school, where his academic performance progressively worsened. Ms. Suppah said that 83% of freshman Indian students do not have passing grades, and that their performance at the sophomore level is likewise dismal. She cited an incident in one of her son's classes where the teacher referred to a group of native students as the "underachievers." She said that the self-esteem of the native students is already low, and such incidences of racism further hamper their academic success. She said racial prejudice in the school systems needs to be addressed, and suggested that the

school district personnel should undergo some multi cultural training. Ms. Suppah continued by stating that the committee that was formed to look at ISAT scores in the state as they related to minority students included only one native person, despite the fact that there were five tribes in the state. She said that she felt such under representation should be remedied.

Representative Cannon stated that both he and his son went through the Blackfoot schools and he understood the concerns of parents whose Indian students were passing on to the next grade level without the proper credentials. He stated that the Legislature was trying to correct the problem by voting for the ISAT tests. They wanted to make sure Idaho's youth had the necessary basic learning tools, and he felt that Indian students should meet the same standards. He said he was comfortable that the local school districts would work with Indian students to make sure they pass the tests. He noted that with the 40% unemployment rate on some reservations, the state and the tribes need to work together to address the underlying problems. He said that the schools in the area are quality schools, and he wants the stakeholders to work together as friends rather than adversaries. He added that the most important learning environment was in the homes, but that society has encroached through television, drugs and other negative influences. He stated that society has brought such influences into everyone's homes, not just those of Indian students.

Chief J. Allan said that he attended public schools and college and took the same tests as are being discussed but that the problem lies with the teachers. He said the teachers only helped a certain number of students. He suggested cultural training for teachers, since many teachers drive in from other areas such as Spokane and therefore are not a part of the community they are trying to reach.

Chair Edmo said that they need to develop local strategies and to take a look at the overall performance of students for the last ten years; they should then request a meeting with the State Board of Education. He said they need more PTA involvement, and suggested that the Native American Rights Fund in Colorado could assist in providing personnel assessments to assist in tribal understanding.

In response to a question from Senator Calabretta regarding where the school performance failed, Ms. Suppah stated that the breakdown came because of racism and discrimination in the schools. She said the native students are oppressed when they go from elementary to the junior high and high school levels. She said the reality is that some Indian students are promoted because teachers do not want to deal with them; the Indian students are basically pushed out of the public school system after the schools receive the federal money for the student count. She said she attended Blackfoot High School and was treated poorly as well. She said that the State Board of Education needs native representation and that a major educational summit should be held to address all these issues.

Mr. Aitken said he agreed with much of what Ms. Suppah said and that he has spent time battling with the local city council to obtain results.

Councilman Blaine Edmo stated that he understands that students need to reach a certain percentile to be deemed proficient, but that the amount of money Idaho devotes to education is pitiful. He said that the shows on television are meaningless, and that education today needs to be revised to be successful. He said whether tests actually measure competency is a separate issue, but that the No Child Left Behind Act is not the solution.

Brenda Honena said that she has seen both sides of the argument, having been a teacher for twelve years in the Blackfoot School District. She said that the focus used to be on school accreditation; this has now been changed to “accountability” and the burden is placed on the students via the ISAT. If kids do not pass the test, they cannot walk through the graduation line. Ms. Honena said that in 2006, the first Indian child will not be able to graduate after twelve years in the school system based on the new standards. She said that they need to address what they *can* do. For instance, she said that two years ago her office went to the school district and offered to provide a history of Indian education and also offered resources to teach a cultural curriculum. She said they were only invited once to do so. Ms. Honena explained that the Idaho Indian Education Committee held its first summit last year in Lewiston. Approximately 80% of those in attendance were teachers and it was very successful. She noted, however, that despite this, many Indian teachers are not getting hired into the districts. For instance, she noted that the Pocatello School District was losing 42 teachers through attrition, but it was not hiring teachers due to funding and even those few who were being hired were not Indian teachers.

In response to a question from Senator Stegner, Ms. Honena explained that the Idaho Indian Education Committee was comprised of tribal leaders, educational and higher education leaders, and representatives of public schools located on and around reservations. The Committee makes recommendations to the state as overseen by Tom Farley in the State Department of Education. Ms. Honena said that the Committee has been in existence for at least ten years. She said that the aggregation of information based on grade level and ethnicity was part of the recommendations of the Committee six years ago, and that this information is available on the Department’s website. Senator Stegner suggested that the Committee’s presentation be made available to the Council. Ms. Honena passed out a document entitled “Goals and Recommendations for Improving American Indian Education.” A copy of this document is available in the Legislative Services Office.

In response to a question from Senator Calabretta, Ms. Honena stated that the Committee has a budget, a large portion of which is designated for technical assistance projects such as the recent summit. Lapwai High School was funded for an initiative, and the Committee provides letters of recommendation and support for tribes who apply for federal grants. For instance, the Pocatello Indian Education Coordinator position was funded in part by federal dollars and local school district dollars. She said the Committee tries to make sure every tribe in Idaho gets some funding. Ms. Honena stated that there still is a funding shortfall for needed projects, and that systematic changes needed to be made in the education system.

Ms. Murillo asked what the Committee has done for the school districts in terms of tutoring. Ms. Honena explained that the Committee conducts a roundtable discussion where the tribal

representatives say what they're working on. The Committee itself was intended to address these issues, and the individual tribal representatives then take the information back to their tribes. She noted that the Committee will hold a meeting October 7-8, 2004, hosted by the Shoshone-Bannock and Shoshone-Paiute Tribes. Everyone, including students, parents and educators, is invited.

Emaline George of the Shoshone-Bannock Tribes then discussed her concerns regarding future Indian generations. She said her generation was told Anglo education was important, and Public Law 280 pressured this. She said that Indian families had to struggle for an education, and she was concerned about the future of the cultural and tribal language because traditional values were given up for assimilation.

Senator Stegner noted that the Idaho Legislature authorized school districts to hire non-certified teachers to teach native languages in the public school. He said this remained a local decision, but that the Legislature removed the restriction of certification.

Ernie Stensgar of the Coeur d'Alene Tribe provided some background on the history of the Idaho Council on Indian Affairs. He said the goal was to have the Council serve as the body to which Indian affairs issues in the Legislature would be brought for purposes of discussion and recommendation. He said this goal has not been followed because the Council is not respected by either house in the Legislature, and that the recent action of the Legislative Council in asking the Attorney General to appoint special counsel to evaluate the Indian gaming initiative is further evidence of this. Mr. Stensgar stated that the initiative (Proposition One) set forth oversight provisions and limitations, and that it passed by a 60-40 margin. He therefore thought the issue of Indian gaming in Idaho was settled. He explained that the tribes have utilized gaming dollars for education. For instance, the Coeur d'Alene Tribe designates a minimum of 5% of the net revenues to education. In addition, he stated that gaming creates employment for tribal members, and that all tribal programs are supported by gaming dollars, including forestry, education, social services and housing. Mr. Stensgar asked the Council to agree with the tribes that the gaming issue is settled.

In response to a question from Senator Calabretta, Mr. Stensgar stated that the tribe's attorney, Bill Roden, reported that the Attorney General's office decided not to take the issue up because the Legislative Council had acted beyond its authority. Mr. Aitken concurred by stating that his lobbyist reported similarly. Mr. Stensgar then distributed a resolution asking that the gaming issue be put to rest. A copy of the resolution is available in the Legislative Services Office.

Senator Calabretta asked that the minutes include a statement that the Council needs to become more active as these issues are brought before the Legislature, and that there needs to be a forum for information and consideration by all stakeholders. She said she would like the Council to move forward as any issue develops and to take its mediation role seriously by being proactive.

Mr. Aitken added that he believed Idaho is still a racist state and that this needs to be addressed by the Council.

Maxine Edmo introduced herself and stated that she had served on many national, regional and local education boards. She said that things that have happened in the past still affect Indians negatively, such as the setting of reservation boundaries, redistricting, and census counting that fails to bring funds back to the Reservation. She said that federal funds to Indians have decreased over the years so the state of Idaho needs to step in to fill the gap. Ms. Edmo continued by stating that Indians should not be called a “minority” but instead should be referred to as aboriginal inhabitants of the state. She said that there is no Indian representative on any of the state boards, and that they need state scholarships and Indian teacher training aid. Ms. Edmo added that Indian students should be able to get language credits for their native language rather than just for foreign languages such as French and Latin. She also said that the No Child Left Behind Act needs more funding, and that it needs to adopt a curriculum that is relevant to Indian students since this will affect their test scores.

Mr. Aitken said that they are facing some of the same problems in Bonners Ferry. He stated that he has talked to the local school board and superintendent, and that they are working to provide a room for tutoring and language and art classes for Indian students. He said that in order to move forward, the tribes must take action.

Chief Allan presented a motion to write a letter to the Legislative Council to remind them as to why the Idaho Council on Indian Affairs was established and to encourage its use as a forum for Indian affairs issues. The motion was seconded by Senator Calabretta.

Mr. Aitken said that the tribes should be gearing up for a fight after the election year is over concerning gaming issues.

Representative Cannon said that he has always been opposed to gaming, and that this was not just a political decision on his part. He said he did not want the letter to be construed in any way to read that he supported gaming.

Senator Stegner explained the background and makeup of the Legislative Council, and said that he had no objection to drafting a letter to remind legislators of the role of the Idaho Council on Indian Affairs to ensure the use of this forum for germane issues. He noted, however, that the action of the Legislative Council that Mr. Stensgar referred to should not be seen simply as an anti-gaming action. He said that while he supports gaming, he doesn’t necessarily agree with the manner in which it is carried out. He said the conflict now is between the Idaho Constitution and the state’s public policy regarding gaming.

Chief Allan asked why the Legislative Council waited until after the session was over to bring up the gaming issue. Senator Stegner replied that he advised the Council against such action but that they did have authority to do so.

Chief Allan again moved to submit a letter to the Legislative Council encouraging the use of the Idaho Council on Indian Affairs as a forum for discussion and recommendations of Indian issues coming before the Legislature. Senator Calabretta seconded the motion. Following distribution

of the language proposed for the letter, the motion carried by a unanimous voice vote. A copy of the letter will be available in the Legislative Services Office.

Bill Brower of the Shoshone-Bannock Tribes discussed transportation issues facing the Tribes. He said that school transportation is difficult because of the current school boundaries. He explained problem routes and said that there were no walkways in certain areas. Mr. Brower said that Bingham County will not let Bannock County drop off schoolchildren in safer areas, and there is now a question of liability if a child is injured as a result.

Sherwin Racehorse said that three years ago they were inundated with calls regarding transportation planning because students were being dropped off in the dark at unsafe places. He said a working group was created to work with School Districts #25 and #55 and that the group met with school boards. He said that the school districts were unwilling to come one-half mile more into the Reservation because the boundaries were set at the county line pursuant to state statute. He explained that School District #25 conducted an evaluation showing that it would not take much more in terms of transportation but that they were limited by statutory boundaries and that an amendment of applicable laws was necessary.

In response to a question from Senator Stegner regarding this legal analysis, Mr. Brower replied that he would provide copies of the legal review by the Echohawk Firm to the Council.

Ms. Honena explained the drop-off situation for the school children and mentioned a proposed bus stop area for buses to pull into and out of. She said that the Blackfoot School District said that the Pocatello School District students could be picked up in such an area, but that the Pocatello School District decided they could not be based on the boundaries issues.

Wesley Edmo added that the road in question is maintained by the Tribe with BIA funding, and that the statute in question provides for a distance of roughly 500 yards. Mr. Aitken stated that the school board would be the decision maker in such a case.

Senator Stegner stated that if it was an easy legislative fix as had been suggested, he would be willing to look at the legal analysis provided by Mr. Echohawk and carry a bill to correct the boundaries question.

Stephen Fox, Indian Education Home School Coordinator for the Pocatello School District, explained his position and said that he was instructed to stay away from issues such as that of transportation hazards. He said he has grown frustrated with the way things are going for Indian students, and asked the Council for any help they could provide. In response to a request from Ms. Murillo, Mr. Fox explained that recently an Indian student was not allowed to walk through the graduation line and was escorted out of the building for wearing an eagle feather plume on his graduation cap. Mr. Fox passed around a picture of the student, as well as a picture of another student in a different school district who was permitted to walk through the graduation line with the plume attached.

In response to a question from Senator Calabretta, Mr. Fox explained that 83% of Indian students do not pass mid-term grades once they reach high school, meaning they do not maintain a grade point average above 2.0. He said that parents have not been good about coming up with solutions, and that such parental support is vital. He said that parents are often there to voice their concerns but are not there for the follow-up.

In response to a question from Ms. Murillo, Mr. Fox said that in grades kindergarten through twelve in the Pocatello School District, 627 students identify themselves as Indian, and 577 are documented as Indian students.

Mr. Racehorse said that non-Indians at the meeting do not understand Indian education, and that educators should tell the true history of tribes in Idaho since racism is still present.

Merle Smith, a teacher at the Shoshone-Bannock High School, stated that teachers need to be asked for input. He said that many parents send their children to Pocatello and Blackfoot for a good education. While the Sho-Ban High School has smaller class sizes, all of the problem kids are going there, and ISAT scores will be an obstacle to these kids because they are not proficient in all areas of testing even though a lot of progress has been made. He said that parents need to understand the testing program, and that he supports ISAT testing because it makes teachers accountable. He stated that they need to incorporate culture into education, but currently teachers are not part of the Reservation community, which makes this difficult.

Senator Stegner recommended that the next meeting of the Council focus on education, with representatives from the State Board and Department of Education. He suggested that the meeting could also include representation from associations such as the Idaho Education Association, the Idaho School Boards Association, and the Idaho School Administrators Association.

The meeting adjourned at 5:30 p.m. A tour of the Shoshone-Bannock reservation was held on June 11, 2004. The next meeting of the Council is scheduled to be held on September 16, 2004, from 9:30 a.m. to 3:00 p.m., in the Idaho Statehouse.