



NATIONAL INDIAN EDUCATION ASSOCIATION

August 9, 2019

Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
U.S. Department of the Interior
1849 C. Street, NW
Mail Stop 4660
Washington, DC 20240

Dear Ms. Appel:

On behalf of the National Indian Education Association (NIEA), I respectfully submit the following written comments in response to the U.S. Department of the Interior Bureau of Indian Affairs tribal consultation and Notice of Proposed Rulemaking (NPRM) regarding the Bureau of Indian Education (BIE) rule as required by the Every Student Succeeds Act (ESSA)¹. The NPRM is a result of negotiated rulemaking to define the standards, assessments, and accountability system consistent with ESSA for BIE-funded schools.

NIEA is the most inclusive national organization advocating for culturally relevant educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. Founded in 1969 to advance comprehensive, NIEA works to achieve education equity and excellence so that all Native students are provided a high-quality academic and culture-based education. NIEA is pleased to make recommendations to the BIE in order to assure the final rule is consistent with the requirements of ESSA; expands opportunities for tribes to exercise education sovereignty; and, is tailored to the cultural and academic needs of Native students.

The Federal Trust Relationship

Since its inception, NIEA's work has centered ensuring access to high-quality education within Native communities, a feat that is possible only if the federal government upholds its trust responsibility to tribes. Established through treaties, federal law, and U.S. Supreme Court decisions, this relationship includes a fiduciary obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school.

The Spirit and Intent of Negotiated Rulemaking

NIEA commends the Negotiated Rulemaking Committee (Committee). Despite significant challenges, the Committee reached agreement with meaningful input from tribal representatives who understand the critical issues that impact Native students. As the BIE

¹ See: P.L. 114-95 Sec. 8204(c)

finalizes the rules, tribes must continue to be included through both formal tribal consultation, as required by law, and through *stakeholder consultation* defined by the Committee included in the final agreement. Both are critical to ensuring the BIE fully implements requirements for standards, assessments and an accountability system as required by the ESSA so that Native students have access to the culturally responsive instruction, tools and resources necessary to succeed in the classroom and beyond.

Efficient, Transparent and Accountable

The BIE has made it a goal to ensure that “all students will benefit from an education system that is effective, efficient, transparent, and accountable.”² Given that this rule will form the basis for BIE to meet its obligations to educate Native students and seek to accomplish all of its goals, it is imperative that each section of rule supports these core tenets of BIEs overarching strategic plan. To support BIE in this important goal, NIEA will make comments about efficiency, transparency and accountability throughout the rule.

General Recommendations

Provide Timely Technical Assistance for ESSA Implementation and Tribal Waivers

Though the proposed rule reiterates statutory requirements for the BIE to provide technical assistance during the tribal waiver process³, the rule *eliminates* all other language negotiated to ensure the BIE provides technical assistance to tribes for implementation of ESSA. Tribal leaders, school administrators, teachers, and communities must have explicit access to high-quality technical assistance to implement any requirement of ESSA, including new standards, assessments, and an accountability system. Such technical assistance is especially critical for developing and implementing Native language assessments and assessments for students with the most significant cognitive disabilities and English learners. In addition, technical assistance will be critical to provide comprehensive support and intervention to qualifying schools. NIEA makes the following recommendations regarding technical assistance under ESSA:

- Include language specifying that technical assistance will be provided to tribes and schools under each section to implement new standards, assessments and accountability system.
- Maintain negotiated language requiring the BIE to provide technical assistance as requested on the development of Native language assessments (Sec. 30.103).
- Maintain negotiated language regarding the timelines to provide technical assistance (Subpart B, Sec. 30.112-30.119).

Ensure Continuity for Tribes with Current Waivers

As proposed, tribes that have established alternative standards, assessments, or accountability systems through tribal waivers under No Child Left Behind would be required to transition to new BIE ESSA systems until new alternative systems could be approved by both the BIE and Department of Education. This system has the potential to harm students as schools could be placed in three different accountability systems within a three-year period. NIEA recommends that the BIE include an exception for tribes with current waivers to continue under current

² See: Page 4, Bureau of Indian Education: Strategic Direction 2018-2023 at: https://www.bie.edu/cs/groups/xbie/documents/site_assets/idc2-086443.pdf

³ See: P.L. 114-95 Sec. 8204(c)

alternative systems until new alternative proposals consistent with ESSA requirements are approved.

Subpart A: Standards, Assessments, and Accountability System Requirements

30.103-How will the Secretary implement Standards, Assessments, and Accountability requirements?

Sec. 30.103(b) - Question A: Standards, Assessments, and Accountability Plan

The BIE is considering whether and to what extent, a requirement for a Standards, Assessments, and Accountability Plan as described in §30.103(b) should be incorporated into the final rule.

Recommendation: NIEA urges the BIE to include the requirement and all related details for a Standards, Assessments and Accountability Plan into the final rule and to also include the same as part of the agreement with the Department as required by Section 8204(a) of ESSA.

Rationale: The BIE must ensure full transparency and accountability in the process to develop and implement ESSA. For example, and as proposed by BIE, to only include the requirements in the agreement between the Secretary and the Department would allow the BIE to make core tenets of regulatory law fungible therefore limiting transparency in communications and also reducing accountability to tribes and Native students.

Sec. 30.103(c) - Question B: Stakeholder Consultation

The BIE is considering whether and to what extent stakeholder consultation as described in §30.103(c) should be incorporated into the final rule.

Recommendation: NIEA urges the BIE to maintain negotiated language from the Committee, which states that the Secretary [of the Interior] must “engage in active, meaningful and ongoing consultation...” In order to reflect the intent of the committee, BIE must strike the words “requirements for”, which were not included in the Committee’s recommendations.

Rationale: The BIE must honor the intent of tribal representatives in language agreed to by the Committee. In this instance, the Committee was clear in its intent to require the Secretary to conduct stakeholder consultation and provided language that specifically defines this process, who is required to be involved, and when BIE is required to engage in this type of consultation. The Committee intended for this process to be utilized when in the direct creation, implementation, review, and revision of standards, assessments, or accountability system, and the rules that govern these systems. By inserting the words “requirements for”, the BIE has attempted to limit requirements for stakeholder consultation in direct conflict with the original intent of tribal representatives that crafted this language on the Committee.

NIEA disagrees with the assertion that such requirements could “duplicate or conflict with, existing Departmental policies and statutory responsibilities, or require statutory authorization.” Stakeholder consultation is essential for two reasons: 1) It came out of negotiated rulemaking which was required by Congress through ESSA to develop the final regulations, and 2) the proposed requirement is in fact consistent with ESSA’s requirement for stakeholder input in several instances — including Section 1111 (d)(1)(B) which requires ‘stakeholder input’ to “develop and implement a comprehensive support and improvement plan for the school to improve student outcomes.” In maintaining the Committee’s proposed language, the rule is consistent with ESSA *and* will ensure stakeholders, including tribes will be included in as the BIE implements and operationalizes ESSA in Bureau-funded schools.

Sec. 30.103(e): Technical Assistance

The BIE proposes to omit language recommended by the Committee for the proposed §30.103(e) that would allow tribes to request technical assistance.

Recommendation: NIEA supports the Committee’s request to Include language which specifies the BIE will provide high-quality technical assistance to tribes **as requested**.

Rationale: While the BIE is required to provide technical assistance as part of the waiver process under Subpart B, the BIE should honor the Committee’s agreement⁴ to assure technical assistance would be specifically mentioned as part of §30.103(e). Such language would support effective implementation of ESSA at the local level and align with the 2018 BIE Strategic Direction, which includes goals to “Provide technical assistance to schools/sites”⁵ throughout major milestones as part of Strategy 3.8: School Improvement.

Sec. 30.104: How will the Secretary implement requirements for standards?

Sec. 30.104(c)(1)(iv), Sec. 30.105(a), and Sec. 30.111(d) - Question C: Tribal Civics

The BIE is considering whether and to what extent to specify Tribal civics as described in §30.104(c)(1)(iv), §30.105(a), and §30.111(d) in the final rule.

Recommendation: NIEA firmly supports the inclusion of Tribal civics in the final rule for standards, and urges the BIE to maintain the Committee’s recommendation to phase Tribal civics into the Secretary’s requirements for assessments and the accountability system. However, we urge the BIE to provide a specific timeframe for this to occur. NIEA also strongly urges the BIE not to limit this flexibility to tribes and school boards that opt to utilize a tribal waiver.

⁴ See: Committee Final Report, Page 11 at: https://www.bia.gov/sites/bia.gov/files/assets/as-ia/raca/pdf/BIE-NRM-Final-Report-V8_508.pdf

⁵ “When the BIE implements a responsive system of school technical assistance and support, then schools will effectively implement school improvement plans and increase the quality of instruction, and all students will develop the knowledge, skills, and behaviors necessary to progress successfully through school and be prepared for postsecondary study and/or career opportunities.” See: Bureau of Indian Education Strategic Direction, 2018-2023 at https://www.bie.edu/cs/groups/xbie/documents/site_assets/idc2-086443.pdf

Rationale: The Committee discussed and agreed that Tribal civics should be included as a [new] standard and will be phased in by first including the subject as a school quality indicator as part of school accountability. To support BIE's goal for 'transparency and accountability,' a timeline for each phase of implementation must be included.

In addition, NIEA strongly disagrees with the assertion that Tribal civics should be limited to alternative proposals included in waivers from tribal governing bodies and school boards. As stated by the Committee in the final report: "Standards around tribal civics are not meant to be cultural in nature, but rather focus on those ideas, laws, and treaties that distinguish tribes as sovereign nations."⁶

According to the BIE, the agency's mission "BIE's mission is to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities."⁷ This goal necessitates that Native students in BIE schools should have access to education around their unique rights and responsibilities as tribal citizens and citizens of the United States. Further, limiting tribal civics to alternative proposals would limit access to high-quality Tribal civics education in BIE-operated schools.

Sec. 30.105: How will the Secretary implement requirements for assessments?

Sec. 30.105: Native Language Assessments

The BIE proposes to eliminate a provision proposed by the Committee similar to 34 CFR 200.6(j)-(k), which would allow the administration of Native language assessments to students in Native language schools or programs and provide flexibility for Native language immersion schools to waive English-only assessments in mathematics, English language arts, and science in grades 3-8.

Recommendation: NIEA disagrees with the elimination of this language. The BIE must *add back* language consistent with 34 CFR 200.6(j)-(k).

Rationale: Consistent with existing education regulations,⁸ all Bureau-funded schools that wish to implement language immersion schools or programs should have equity in access to flexible opportunities afforded to public schools. By limiting such flexibility to alternative proposals under tribal waivers, the BIE is proposing the addition of bureaucratic processes for tribes that may simply wish to implement Native language assessments in tribal schools, and eliminating such flexibility for Bureau-operated schools.

Sec. 30.105(b)(9)(i)(C): Data Disaggregation with Regard to Students with Disabilities

The proposed rule is inconsistent with current law with regard to children with disabilities.

⁶ See: Committee Final Report, Page 110 at: https://www.bia.gov/sites/bia.gov/files/assets/as-ia/raca/pdf/BIE-NRM-Final-Report-V8_508.pdf

⁷ See: Title 25 CFR Part 32.3.

⁸ See: 34 CFR 200.6(j)-(k),

Recommendation: Amend 30.105 (b)(9)(i)(C) to: *'Children with disabilities as defined in section 602(3) of the Individuals with Disabilities Education Act.'*

Rationale: As proposed, the rule says: "children with disabilities as compared to children without disabilities." However, current ESSA Title I Part A Assessment regulations from the Department of Education utilize the following language: "Children with disabilities as defined in section 602(3) of the Individuals with Disabilities Education Act". The rule must be made consistent with current law.

Sec. 30.106: How will the Secretary provide for the inclusion of all students in assessments?
NIEA appreciates the consistency with ESSA and supports the contents of this section.

Sec. 30.107: How will the Secretary include students with disabilities in assessments?
NIEA appreciates the consistency with CFR 200.6 and supports the contents of this section.

Sec. 30.108: How will the Secretary provide for alternative assessments for students with the most significant cognitive difficulties?

Sec. 30.108: Technical Fix for Terminology

The BIE has utilized a term inconsistent with statutory language contained in ESSA to refer to students with significant cognitive disabilities.

Recommendation: NIEA recommends a technical fix. Replace the word *'difficulties'* with *'disabilities'*— in the section header, in this section, and throughout the rule.

Rationale: The terminology in the rule must be consistent with ESSA. The proper statutory term is: "students with the most significant cognitive disabilities"⁹.

Sec. 30.108(3)(1):

Proposed language fails to include technical assistance to ensure effective implementation of ESSA requirements related to students with disabilities.

Recommendation: Amend 30.108(3)(1) to: "(i) Establish, consistent with section 612(a)(16)(C) of the IDEA, *provide technical assistance as requested* and monitor implementation of clear and appropriate guidelines for IEP teams to apply in determining..."

Rationale: To ensure BIE is striving for full accountability for students with the most significant cognitive disabilities, tribal and school leaders will need technical assistance to support IEP teams as they implement the new requirements of ESSA. Technical assistance must be made available to support school teams and to protect students from being placed inappropriately in an alternate assessment due the potential the

⁹ See: P.L. 114-95

decision has to limiting access to the general curriculum; to limiting access to the regular classroom with peers; and to reducing access to a regular high school diploma¹⁰.

Sec. 30.109 How will the Secretary include English learners in content assessments?

Sec. 30.110 How will the Secretary ensure BIE-funded schools will provide for annual assessments of English language proficiency for English learners?

Sec. 30.109(c)(3) & Sec. 30.110(H): Technical Assistance for to Support ESSA Implementation for English Learners

The BIE has not included language that provides technical assistance to support effective ESSA implementation for English learners.

Recommendation: Add new 30.109(c)(3): *"Provide technical assistance as requested."*

Recommendation: Add new 30.110(H): *"The BIE will provide technical assistance as requested."*

Rationale: Tribal and school leaders must have access to the necessary tools and resources to assure English learners are properly assessed. NIEA urges the BIE to make technical assistance available to tribes as needed rather than limiting technical assistance to tribes submitting an alternative proposal under the waiver authority.

Sec. 30.111 How will the Secretary implement requirements for accountability system?

Sec. 30.111: Accountability System

The BIE has not identified a minimum number of students (N size) for accountability or data reporting.

Recommendation: Add an N size of no more than 10 for accountability and 10 for reporting.

Rationale: Every student must count in an effective accountability system and articulating an N size is a critical step to ensure they do. In contrast to the punitive approach of No Child Left Behind, ESSA utilizes the accountability system to identify and provide additional support for schools whose students are not meeting the standards as defined by the Secretary. Under ESSA, the BIE is required to identify the minimum number of students, known as the N size, to identify schools for support in the accountability system and ensure statistically sound data disaggregation. If the rule is silent on N size, schools cannot be properly identified to receive additional resources for targeted interventions to the groups of students identified for additional support.

BIE must identify the N size for both accountability and for reporting in the rule. Waiting to identify the N size undercuts BIE's core goal to create a system that is efficient, transparent and accountable. N size is the core of accountability, especially for students

¹⁰ P.L. 114-95 Sec. 1111(2)(D)

who struggle and whose schools need additional support. The Committee was provided data by the Department on BIE schools with N sizes of 10 and 20 respectively. These data showed that when an N size of 20 is used, English Learners would be excluded in 30 Bureau schools and students with disabilities would be excluded in 59 Bureau schools. In this situation, approximately 1/3 of BIE schools would not be eligible for to receive funds for targeted support and improvement for students with disabilities. Given the large number of small and rural schools in the BIE system, the most appropriate statistically valid N size would be 10 for both accountability and data reporting. The BIE must add the N size(s) for reporting and accountability respectively to the rule so that schools can receive comprehensive and targeted support so that students can make progress.

Demographic	Total Students	Total Schools	N Size of 30	N Size of 20	N Size of 15	N Size of 10
American Indian	45,149	174	-	-	-	-
English Learner	7,296	174	41	30	26	19
Low-Income	45,149	174	-	2	-	-
Students with Disabilities	6,191	174	98	59	42	24

"Committee Requested Information Regarding N-Size," Center on Standards & Assessment Implementation, Arlington, VA, December 5, 2018. https://www.bie.edu/cs/groups/xbie/documents/site_assets/idc2-091107.pdf.

Sec. 30.111(c) - Question D: Inclusion of Science in the BIE Accountability System

The BIE is considering whether and to what extent to specify science into the accountability system.

Recommendation: NIEA supports the inclusion of science into the accountability system and encourages BIE to include it as a school quality indicator with weight sufficient to ensure it propels schools to place a priority on teaching science and science, technology, engineering and math (STEM) courses.

Rationale: In the Committee's final report, representatives stated that the Committee "recognizes the importance of science education and achievement in an increasingly STEM focused world. It also recognizes current barriers to science achievement across BIE funded schools." They also said, "The purpose for incorporating science into the accountability system is to focus attention, resources and supports to schools in order to improve science academic achievement across Indian country."¹¹ BIE should do all it can [within the rule] so that schools can make this happen. Inclusion of science as a school quality indicator in the accountability system is a critical step to recognizing the intent of tribal representative son the Committee.

Sec. 30.111 - Question E: Inclusion of Tribal Civics and Science as School Quality Indicators

The BIE is requesting comments on whether, to what extent, and the appropriate method for, the inclusion of Tribal Civics and science as school quality indicators.

¹¹ See page 11 of 60, Standards, Assessments and Accountability: Final Report at: https://www.bia.gov/sites/bia.gov/files/assets/as-ia/raca/pdf/BIE-NRM-Final-Report-V8_508.pdf

Recommendations:

- **Science:** NIEA recommends that BIE include science as a school quality indicator for all Bureau-funded schools, regardless of waiver status.
- **Tribal Civics:** NIEA recommends that BIE include Tribal Civics as a school quality indicator.

Rationale: The Committee recommended two School Quality and Student Success indicators: Tribal civics and science. NIEA supports the Committee as stated in the final report: "Following the establishment of standards for Tribal Civics courses, it is recommended to be incorporated as a School Quality Success Indicator."

Subpart B: Waiver of Requirements, Technical Assistance, and Approval of Proposals for Alternative Requirements

Sec. 30.112 May a Tribal governing body or school board waive the Secretary's requirement for standards, assessments, and accountability system?

Sec. 30.112 - Question H: Option for Tribes to Opt into State Systems

The BIE is concerned that an option for Tribal governing bodies or school boards to opt in to State requirements might conflict with statutory intent with the Committee's interest in a unified system of accountability for BIE-funded schools.

Recommendation: NIEA recommends the greatest deference to tribal sovereignty and flexibility for tribes. In order to ensure a smooth transition for all tribal Tribes should have the option to:

- a) opt in to State requirements;
- b) transition to the BIE system; or
- c) opt to stay in an alternative system established under No Child Left Behind until a new alternative proposal is approved through the tribal waiver process under ESSA.

Rationale: As sovereign nations that know best the unique academic needs of tribal citizens, tribes must have the greatest flexibility in providing education opportunities for Native students across the country. This includes providing the opportunity for tribes to opt-into state systems. This flexibility already exists through tribal waivers. However, forcing tribal schools that are currently in state systems into the BIE system only to switch back to the state systems they were formerly in would result in unnecessary bureaucratic processes and interruptions to effective data reporting, assessment continuity, and accountability systems for these schools. Allowing this option to opt into state requirements would reduce such burdens and support education sovereignty for tribes across the nation.

In addition, tribes that currently have alternative systems under No Child Left Behind face a similar dilemma. The current proposed rule would require such tribes to transition to the new BIE ESSA systems until new alternative systems could be

approved by both the BIE and Department of Education. This system has the potential to harm schools and place schools in three different accountability systems over a short time period. NIEA recommends an option for such tribes to remain in their alternative systems until the new ESSA alternative system is approved.

Sec. 30.113 How does a Tribal governing body or school board waive the Secretary's requirements?

Sec. 30.114 What should a Tribal governing body or school board include in an alternative proposal?

Sec. 30.115 May proposed alternative requirements use parts of the Secretary's requirements?

Sec. 30.116 Will the Secretary provide technical assistance to Tribal governing bodies or school boards seeking to develop alternative requirements?

Sec. 30.117 What is the process for requesting technical assistance?

Sec. 30.118 When should the Tribal governing body or school board request technical assistance?

Sec. 30.119 How does the Secretary review and approve alternative requirements?

Sec. 30.112-Sec. 30.119 - Question I: Tribal Waiver Timelines

The BIE is considering changes to the timelines recommended by the Committee for waivers and the processing of proposals for alternative requirements described in §30.112 through §30.119.

Recommendation: Maintain all negotiated language for timelines negotiated by the Committee to ensure a timely and effective waiver process in §30.112-30.119.

Rationale: Tribal representatives carefully negotiated timelines to ensure transparency and accountability throughout the process for tribes that choose to waive and implement an alternative to the BIE's standards, assessment, and accountability systems. Through proposed regulations, the BIE is "considering changes to the timelines recommended by the Committee for waivers and the processing of proposals for alternative requirements..." This change would directly conflict with agreed upon language and present barriers to tribes that choose to exercise sovereignty by developing unique systems of standards, assessments, and accountability.

Sec. 30.119(e): Tribal Consultation During Tribal Waiver Process

The BIE has proposed the elimination of negotiated language, "If a proposal for alternative requirements is not approved, or is not moving forward, then Tribes may individually request formal consultation with the Secretary and Secretary of Education."

Recommendation: The BIE must maintain language negotiated and agreed to by the Committee in Section 30.119(e) to recognize and uphold tribal sovereignty and to ensure a transparent and effective tribal waiver process.

Rationale: This language recognizes the sovereign right of tribes to consult with the federal government on programs and systems that impact tribal nations and communities. Elimination of this language fails to recognize tribal authority and risks

further delays when tribes are seeking answers to critical questions during the tribal waiver process.

Subpart C: Support and Improvement

Sec. 30.120: How will the Secretary implement school support and improvement activities?

Sec. 30.120-Sec. 30.124 - Question J: Inclusion of Subpart C in Regulations

The BIE is still considering whether or how these or similar provisions should be included in the final rule. BIE states: "If these provisions are included, they may also be included after §30.111".

Recommendation: The final rule must include language regarding the identification of schools consistent with ESSA Sec. 1111 (c)(4)(D). In order to do so, the BIE has several options which include:

- Incorporate changes to 30.111 "How will the Secretary implement requirements for accountability system? or
- Rename and edit Sec. 30.120 to: 'How will the Secretary identify schools for comprehensive school support and improvement?'

Regardless of approach and where the identification of schools' requirements are included, BIE must also include the following details:

- Timeline for when rules are to be implemented, including the school year during which rules will become effective and a date for inclusion of graduating class data in the accountability system calculation;
- How often BIE will identify Comprehensive Support and Improvement Schools (CSI); and
- How the BIE will make identification consistent with ESSA's requirements under Sec. 1111(c)(4)(D).

Sec. 30.121 How will the Secretary implement comprehensive support and improvement?

Sec. 30.122 How will the Secretary implement targeted support and improvement?

Sec. 30.123 How will the Secretary implement additional targeted support?

Sec. 30.124 How will the Secretary implement continued support for Bureau-funded schools and school improvement?

Sec. 30.120-Sec. 30.124 - Question G: Incorporation of School Supports and Interventions

The BIE is considering whether and to what extent to incorporate school supports and interventions into the final rule.

Recommendation: BIE should consider, similar to above, regrouping the information so that all CSI identification, support and monitoring are included in one section (e.g. cluster §30.123 and §30.124 with §30.121 etc.)

Recommendation: Regardless of how the rule organizes the accountability information, what is most critical is that BIE include all of the essential details about the

accountability system. To both ensure consistency with ESSA and to support schools in planning and implementation from the outset, the rule must include the following:

- whether CSI will be identified among all schools, not just Title I;
- required criteria to exit CSI;
- that targeted support and improvement (TSI) schools that remain identified for three consecutive years due to a lack of improvement within the same student group and that have not satisfied the statewide exit criteria will be deemed CSI;
- a specific timeframe for monitoring for implementation and progress reporting for CSI schools; and
- include access to technical assistance for CSI schools from BIE and the Department as requested.

Rationale: BIE has indicated in the Strategic Direction that, “Continuous school improvement requires identifying the most essential components of educational service delivery, including but not limited to, identification of best practices, needs assessments, prioritization of needs, data-driven decision-making, and examining effective methods for school structuring.” Sections 30.120-30.124 are at the heart of this important commitment and BIE must not kick these details down the road.

In order for schools to design instruction and support student progress toward meeting new standards, they must know from the beginning what the accountability system is specifically designed to do (e.g. identify CSI and TSI schools, trigger supports for schools and student subgroups not meeting standards, etc.) It is imperative that the BIE finalize a rule that incorporates these important details for planning, accountability and full transparency.

Conclusion

Through the recommendations provided here, the final regulations, and the implementation of the BIE ESSA Standards, Assessment and Accountability System, NIEA looks forward to working alongside the Secretary and the Department to drive federal resources to the only students that the federal government has a direct responsibility to educate— Native students. If you have any questions, please contact NIEA Legislative Analyst Adrienne Elliott at aelliott@niea.org.

Sincerely,



Robin Butterfield
President