Revised State Template for the
Consolidated State Plan
The Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act

U.S. Department of Education
Issued: March 2017

U.S. Department of the Interior
Bureau of Indian Education
Draft: October 3, 2017

Bureau of Indian Education (BIE)
Consolidated State Plan

DRAFT – for stakeholder input
Send feedback to: stateplan@bie.edu
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Introduction
Section 8302 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA),¹ requires the Secretary to establish procedures and criteria under which, after consultation with the Governor, a State educational agency (SEA) may submit a consolidated State plan designed to simplify the application requirements and reduce burden for SEAs. ESEA section 8302 also requires the Secretary to establish the descriptions, information, assurances, and other material required to be included in a consolidated State plan. Even though an SEA submits only the required information in its consolidated State plan, an SEA must still meet all ESEA requirements for each included program. In its consolidated State plan, each SEA may, but is not required to, include supplemental information such as its overall vision for improving outcomes for all students and its efforts to consult with and engage stakeholders when developing its consolidated State plan.

Completing and Submitting a Consolidated State Plan
Each SEA must address all of the requirements identified below for the programs that it chooses to include in its consolidated State plan. An SEA must use this template or a format that includes the required elements and that the State has developed working with the Council of Chief State School Officers (CCSSO).

Each SEA must submit to the U.S. Department of Education (Department) its consolidated State plan by one of the following two deadlines of the SEA’s choice:
- April 3, 2017; or
- September 18, 2017.

Note: The Bureau of Indian Education technically is not a State as defined in the Every Student Succeeds Act (ESSA). The BIE therefore will not submit its State plan for peer review according the above deadlines.

However, the BIE is developing a State plan as an internal guidance document. The BIE will use its State plan as roadmap for school improvement and to support its lowest performing schools.

Any plan that is received after April 3, but on or before September 18, 2017, will be considered to be submitted on September 18, 2017.

Alternative Template
If an SEA does not use this template, it must:
1) Include the information on the Cover Sheet;
2) Include a table of contents or guide that clearly indicates where the SEA has addressed each requirement in its consolidated State plan;
3) Indicate that the SEA worked through CCSSO in developing its own template; and
4) Include the required information regarding equitable access to, and participation in, the programs included in its consolidated State plan as required by section 427 of the General Education Provisions Act. See Appendix B.

¹ Unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA.
Individual Program State Plan
An SEA may submit an individual program State plan that meets all applicable statutory and regulatory requirements for any program that it chooses not to include in a consolidated State plan. If an SEA intends to submit an individual program plan for any program, the SEA must submit the individual program plan by one of the dates above, in concert with its consolidated State plan, if applicable.

Consultation
Under ESEA section 8540, each SEA must consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor’s office, including during the development and prior to submission of its consolidated State plan to the Department. A Governor shall have 30 days prior to the SEA submitting the consolidated State plan to the Secretary to sign the consolidated State plan. If the Governor has not signed the plan within 30 days of delivery by the SEA, the SEA shall submit the plan to the Department without such signature.

Assurances
In order to receive fiscal year (FY) 2017 ESEA funds on July 1, 2017, for the programs that may be included in a consolidated State plan, and consistent with ESEA section 8302, each SEA must also submit a comprehensive set of assurances to the Department at a date and time established by the Secretary. In the near future, the Department will publish an information collection request that details these assurances.

For Further Information: If you have any questions, please contact your Program Officer at OSS.[State]@ed.gov (e.g., OSS.Alabama@ed.gov).
## Cover Page

### Contact Information and Signatures

<table>
<thead>
<tr>
<th><strong>SEA Contact</strong> (Name and Position):</th>
<th>Telephone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>Email Address:</td>
</tr>
<tr>
<td>Bureau of Indian Education</td>
<td></td>
</tr>
<tr>
<td>U.S. Department of the Interior</td>
<td></td>
</tr>
<tr>
<td>1849 C Street NW, MS-3609-MIB</td>
<td></td>
</tr>
<tr>
<td>Washington, DC 20240</td>
<td></td>
</tr>
</tbody>
</table>

By signing this document, I assure that:
To the best of my knowledge and belief, all information and data included in this plan are true and correct. The SEA will submit a comprehensive set of assurances at a date and time established by the Secretary, including the assurances in ESEA section 8304. Consistent with ESEA section 8302(b)(3), the SEA will meet the requirements of ESEA sections 1117 and 8501 regarding the participation of private school children and teachers.

<table>
<thead>
<tr>
<th><strong>Authorized SEA Representative</strong> (Printed Name)</th>
<th>Telephone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature of Authorized SEA Representative</td>
<td>Date:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Governor</strong> (Printed Name)</th>
<th>Date SEA provided plan to the Governor under ESEA section 8540: Not applicable.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable.</td>
<td>Date: Not applicable.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>Signature of Governor</strong></th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable.</td>
<td></td>
</tr>
</tbody>
</table>
Programs Included in the Consolidated State Plan

Instructions: Indicate below by checking the appropriate box(es) which programs the SEA included in its consolidated State plan. If an SEA elected not to include one or more of the programs below in its consolidated State plan, but is eligible and wishes to receive funds under the program(s), it must submit individual program plans for those programs that meet all statutory and regulatory requirements with its consolidated State plan in a single submission.

☐ Check this box if the SEA has included all of the following programs in its consolidated State plan.

or

If all programs are not included, check each program listed below that the SEA includes in its consolidated State plan:

☒ Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies

☐ Title I, Part C: Education of Migratory Children – Note: BIE does not receive Title I, Part C funds.

☒ Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

☒ Title II, Part A: Supporting Effective Instruction

☒ Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement – Note: BIE does not receive Title III, Part A funds.

☒ Title IV, Part A: Student Support and Academic Enrichment Grants

☒ Title IV, Part B: 21st Century Community Learning Centers

☒ Title V, Part B, Subpart 2: Rural and Low-Income School Program

☒ Title VII, Subpart B of the McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youth Program (McKinney-Vento Act)

Instructions

Each SEA must provide descriptions and other information that address each requirement listed below for the programs included in its consolidated State plan. Consistent with ESEA section 8302, the Secretary has determined that the following requirements are absolutely necessary for consideration of a consolidated State plan. An SEA may add descriptions or other information, but may not omit any of the required descriptions or information for each included program.
A. Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)

1. Challenging State Academic Standards and Assessments (ESEA section 1111(b)(1) and (2) and 34 CFR §§ 200.1−200.8).²

Note in regard to Academic Standards and Assessments: The ESSA reauthorizes and amends the ESEA. ESSA Section 8007 amends ESEA Section 8204, and directs the Secretary of the Interior, in consultation with the Secretary of Education, if so requested, to use a negotiated rulemaking process to develop regulations for implementation of the Secretary of the Interior’s obligation to define the standards, assessments, and an accountability system that will be utilized at BIE-funded schools. The regulations, along with any necessary revisions to Part 30 generally, will replace the existing 25 CFR part 30 and will define the standards, assessments, and an accountability system consistent with ESEA, for BIE-funded schools on a national, regional, or Tribal basis. The regulations will be developed in a manner that considers the unique circumstances and needs of such schools and the students served by such schools. These definitions will be implemented in the 2018-2019 school year.

Some parts of this State plan are affected by the outcome of negotiated rulemaking. In some cases those sections are left blank and in other cases options are outlined for consideration by stakeholders.

BIE Comment – Below is background information on BIE’s current system of academic standards and assessments. In order to determine a path forward for the BIE, it is essential to understand the past practice regarding academic standards and assessments, as well as the related encompassing accountability system (this topic is addressed later in the State Plan). Several options are offered for consideration to adopt standards and assessments. The options are not intended to be definitive and stakeholders may wish to offer other possibilities’.

Overview
ESSA requires the Secretary of the Interior to use a negotiated rulemaking process to develop regulations for implementation of the Secretary of the Interior’s obligation to define the standards, assessments, and an accountability system that will be utilized at BIE-funded schools. Therefore, the standards, assessments, and accountability system sections of this State Plan will not be fully developed until the negotiated rulemaking is concluded, which is expected in latter 2018. Although negotiated rulemaking is not yet complete, stakeholder input into standards, assessments, and accountability system is welcome and needed.

Similar to ESSA, negotiated rulemaking was required under the No Child Left Behind Act (NCLB) of 2001 to develop regulations for implementation of the Secretary of the Interior’s obligation to define the

² The Secretary anticipates collecting relevant information consistent with the assessment peer review process in 34 CFR § 200.2(d). An SEA need not submit any information regarding challenging State academic standards and assessments at this time.
standards, assessments, and accountability system. In 2005, the BIE, then the Bureau of Indian Affairs (BIA) Office of Indian Education Programs (OIEP), conducted negotiated rulemaking. The result of the negotiated rulemaking was that the BIE should implement the academic content standards, assessments, and accountability systems of the states in which its schools respectively were located. This regulation was codified as 25 C.F.R § 30.104(a). The BIE has 175 academic programs scattered across 23 states, which meant that BIE-funded schools were subject to 23 states’ academic content standards, assessments, and accountability systems. The BIE, in effect, had a complex, multipart accountability system, unlike states which all have uniform accountability systems.

It is important to note here that the intent of Congress in passing ESSA, as well as NCLB, was that states adopt and implement a single accountability system, encompassing uniform standards and assessments, and accountability system for their schools across the respective states. No state has a multipart accountability system. The State Plans of all fifty states submitted to the U.S. Department of Education for peer review under ESSA contained uniform accountability systems. The BIE is the only entity with a multipart accountability system.

Background
As mentioned, the outcome of the NCLB negotiated rulemaking was a multipart accountability system for the BIE. The approach has created significant challenges for BIE-funded schools. Below is a brief history of accountability under NCLB as it affects the BIE school system.

During NCLB, state assessment and accountability systems were state-based and dissimilar to one another. States developed their own academic content standards and aligned assessments. States also set their own cut scores, or cut-off, scores, which refers to the lowest score on tests that a student can score to be considered proficient. Cut scores varied widely across states and were not comparable from state to state. With schools in 23 states, comparison of proficiency in reading and math using states’ assessments was not possible in the BIE school system.

The standards and assessments landscape dramatically changed ten years after the passage of NCLB. On September 23, 2011 the Obama administration announced its Elementary and Secondary Education Act (ESEA) Flexibility waiver program. Flexibility provided states with the leeway to implement vastly different measures for accountability purposes. States gravitated toward common standards, known as the Common Core State Standards (CCSS), and assessments in English language arts and math designed by two national consortia. The assessment consortia were the Partnership for the Assessment of Readiness for College and Career (PARCC) and Smarter Balanced Assessment Consortium (SBAC). Several states remained with their state-based standards and assessments. Under flexibility, more uniform standards and assessments emerged. BIE-funded schools in PARCC states could be compared to schools in other PARCC states, and BIE-funded schools in SBAC states could be compared to schools in other SBAC states. For states continuing to use state-based standards and assessments, however, comparability was still not possible. BIE has a school system has no means to evaluate the performance of schools across the system.

Although states in great numbers adopted the Common Core State Standards (CCSS) and the PARCC and SBAC assessments, a recent trend of states has been to abandon CCSS and the consortia assessments and to return to state-based standards and assessments. While both consortia still retain handfuls of states, the pendulum has swung back to state-based standards and assessments. For the BIE, assessment scores again are not comparable across most of its 23 states.

With the passage of ESSA and its required negotiated rulemaking, the opportunity is available to the Secretary of the Interior and the BIE to replace the existing regulations mandating a 23-part accountability system. Outlined below are options to consider for standards and assessments once
negotiated rulemaking is completed and new regulations are promulgated. First, however, is the current distribution of standards and assessments among BIE-funded schools is presented below in Table 1.

Table 1

<table>
<thead>
<tr>
<th>State</th>
<th>Tribe-Specific</th>
<th>Standards</th>
<th>Assessment</th>
<th>Schools</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>AZ</td>
<td>Non-Navajo</td>
<td>State</td>
<td>State</td>
<td>19</td>
<td>10.9%</td>
</tr>
<tr>
<td></td>
<td>Navajo</td>
<td>CCSS</td>
<td>PARCC</td>
<td>31</td>
<td>17.7%</td>
</tr>
<tr>
<td>CA</td>
<td></td>
<td>CCSS</td>
<td>SBAC</td>
<td>2</td>
<td>1.1%</td>
</tr>
<tr>
<td>FL</td>
<td>Ahfachkee</td>
<td>State</td>
<td>State</td>
<td>1</td>
<td>0.6%</td>
</tr>
<tr>
<td>FL</td>
<td>Miccosukee</td>
<td>CCSS</td>
<td>SBAC</td>
<td>1</td>
<td>0.6%</td>
</tr>
<tr>
<td>IA</td>
<td></td>
<td>State</td>
<td>State</td>
<td>2</td>
<td>1.1%</td>
</tr>
<tr>
<td>ID</td>
<td></td>
<td>CCSS</td>
<td>SBAC</td>
<td>1</td>
<td>0.6%</td>
</tr>
<tr>
<td>KS</td>
<td></td>
<td>State</td>
<td>State</td>
<td>1</td>
<td>0.6%</td>
</tr>
<tr>
<td>LA</td>
<td></td>
<td>CCSS</td>
<td>PARCC</td>
<td>1</td>
<td>0.6%</td>
</tr>
<tr>
<td>ME</td>
<td></td>
<td>State</td>
<td>State</td>
<td>3</td>
<td>1.7%</td>
</tr>
<tr>
<td>MI</td>
<td></td>
<td>CCSS</td>
<td>SBAC</td>
<td>2</td>
<td>1.1%</td>
</tr>
<tr>
<td>MN</td>
<td></td>
<td>State</td>
<td>State</td>
<td>4</td>
<td>2.3%</td>
</tr>
<tr>
<td>MS</td>
<td></td>
<td>State</td>
<td>State</td>
<td>8</td>
<td>4.6%</td>
</tr>
<tr>
<td>MT</td>
<td></td>
<td>CCSS</td>
<td>SBAC</td>
<td>2</td>
<td>1.1%</td>
</tr>
<tr>
<td>NC</td>
<td></td>
<td>CCSS</td>
<td>SBAC</td>
<td>2</td>
<td>1.1%</td>
</tr>
<tr>
<td>ND</td>
<td></td>
<td>State</td>
<td>State</td>
<td>12</td>
<td>6.9%</td>
</tr>
<tr>
<td>NM</td>
<td>Non-Navajo</td>
<td>CCSS</td>
<td>PARCC</td>
<td>14</td>
<td>8.0%</td>
</tr>
<tr>
<td>NM</td>
<td>Navajo</td>
<td>CCSS</td>
<td>PARCC</td>
<td>27</td>
<td>15.4%</td>
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<tr>
<td>NV</td>
<td></td>
<td>State</td>
<td>State</td>
<td>2</td>
<td>1.1%</td>
</tr>
<tr>
<td>OK</td>
<td></td>
<td>State</td>
<td>State</td>
<td>3</td>
<td>1.7%</td>
</tr>
<tr>
<td>OR</td>
<td></td>
<td>CCSS</td>
<td>SBAC</td>
<td>1</td>
<td>0.6%</td>
</tr>
<tr>
<td>SD</td>
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<td>CCSS</td>
<td>SBAC</td>
<td>22</td>
<td>12.6%</td>
</tr>
<tr>
<td>UT</td>
<td>Navajo</td>
<td>CCSS</td>
<td>PARCC</td>
<td>2</td>
<td>1.1%</td>
</tr>
<tr>
<td>WA</td>
<td></td>
<td>CCSS</td>
<td>SBAC</td>
<td>8</td>
<td>4.6%</td>
</tr>
<tr>
<td>WI</td>
<td></td>
<td>State</td>
<td>State</td>
<td>3</td>
<td>1.7%</td>
</tr>
<tr>
<td>WY</td>
<td></td>
<td>State</td>
<td>State</td>
<td>1</td>
<td>0.6%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>175</td>
<td>100%</td>
</tr>
</tbody>
</table>

The Navajo Nation applied for and was granted a waiver to the Secretary’s accountability system, based on a 23-state accountability model. The Navajo Nation utilizes a uniform accountability system, based on CCSS and PARCC assessments. Likewise, the Miccosukee Indian Tribe of Florida’s applied for and was granted a waiver to the Secretary’s 23-part accountability system. The Miccosukee Indian School utilizes the CCSS and the SBAC assessments.
Table 2

BIE Schools and Students Aggregated by Content Standards and Assessments in SY 2016-2017

<table>
<thead>
<tr>
<th>Standards</th>
<th>Assessments</th>
<th>Schools</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td><strong>CCSS States</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CCSS States</td>
<td>PARCC</td>
<td>75</td>
<td>42.9%</td>
</tr>
<tr>
<td>CCSS States</td>
<td>SBAC</td>
<td>41</td>
<td>23.4%</td>
</tr>
<tr>
<td><strong>CCSS States Subtotal</strong></td>
<td></td>
<td><strong>116</strong></td>
<td><strong>66.3%</strong></td>
</tr>
<tr>
<td><strong>Non-CCSS States</strong></td>
<td></td>
<td><strong>59</strong></td>
<td><strong>33.7%</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>175</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Table 2 above shows that 66.3% of schools use CCSS; and 65.7% of students use either the PARCC or SBAC assessments. Only 33.7% of schools and 34.3% of students use state-based standards and assessments. The CCSS are more prevalent in BIE-funded schools, and in that subgroup the PARCC assessments are more prevalent.

Academic Content Standards
Outlined below are possible options for adopting academic content standards, and accompanying assessments, in the BIE school system. These options are not intended to be exhaustive; stakeholders and observers may propose other scenarios.

Option 1: Adopt the College- and Career-Ready State Standards (CCSS)

**Standards** – One option is to adopt the College- and Career-Ready State Standards (CCSS). Approximately 2/3 of BIE-funded schools and students use CCSS and associated assessments as their base program and for accountability purposes (see Table 2). However, states increasingly have abandoned CCSS and that trend continues.

**Assessments** – Assessment options aligned to the CCSS are PARCC and SBAC assessments in English language arts and math. Both assessments are commercially available. The BIE, in fact, currently purchases both PARCC and SBAC assessments through contracts for selected BIE-funded schools.

Option 2: Hybrid System of Academic Standards

**Standards** – When states abandoned the CCSS, they created new standards to suit their interests and needs. One approach of some states was to create new sets of standards drawing from various sources, including, presumably, the CCSS, previously abandoned state standards, and new standards based on best practices in standards development to result in a hybrid system of standards. Such an approach could be employed by the BIE, except that the BIE does not have its own set of standards to draw from.

**Assessments** – New standards will necessitate the creation of accompanying new assessments. These assessments will need to undergo peer review by the U.S. Department of Education. This is a formidable step that will take a commitment of time and resources to accomplish. BIE would need the services of experts, which typically are acquired through a contracting process.
One possibility is to utilize to some extent existing assessment systems. A tiered licensing structure, for example, is being offered by PARCC.3 PARCC has developed a new customizable licensing structure to accommodate states interested in creating high-quality assessments and content. In particular, PARCC has leased out content to several states in their quest to keep assessment costs under control while implementing modified or new standards.4 A caveat is the assessments must be aligned to the standards and this can be a challenge.

**Option 3: Adopt the Academic Content Standards of a Single State**

**Standards** – An unusual option floated by some observers is to adopt the academic content standards of a single state. The BIE has schools scattered across 23 states, each with unique accountability systems. The state-based systems differ in the standards and assessments utilized. One option – which presents many unanswered questions – is adopting a single state’s academic standards. From the onset, it must be stated, the feasibility of this option is unknown. No state has been approached to explore the issue. Would any state agree to such a proposition? How would such an approach work? Answers to both questions are unknown. Hypothetically, if the BIE did acquire the standards of a particular state, then it would also need to acquire aligned assessments.

The advantage of this option is the BIE would not be required to develop the standards or even the assessments by which they are measured. But, depending on the state, the process may not be easily implemented. Again, the proposition has not been tested.

**Assessments** – An obstacle that presents itself would be in obtaining access to the appropriate assessments. The BIE would need to rely upon the state in question for all issues related to assessments. Assessments and their development and administration are costly propositions for states, and state departments of education rightly and jealously guard access to these valuable assets.

**Option 4: Developing New Academic Content Standards**

**Standards** – The most challenging option is for the BIE to develop all new academic content standards for implementation in its schools. This option represents the most ambitious approach and would present challenges in time, effort, and costs.

**Assessments** – With entirely new standards, new assessments aligned to the standards would be required. Challenges in time, effort, and costs, similar to creating new standards, would be encountered. Estimates of costs and timelines have not been developed. Peer review of the assessments likely would be required, because the BIE probably may not be able to piggyback upon the state’s peer review approval.

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3 In April 2017, the state education leaders who make up the Governing Board of the Partnership for Assessment of Readiness for College and Careers (PARCC) embarked on the implementation of a new approach with the selection of New Meridian Corporation, a nonprofit education organization, as the Management Vendor. New Meridian will implement and manage a new approach for the assessment system, including the tiered licensing structure that allows all states to continue to create high-quality assessments and content collaboratively, while offering greater flexibility and increased access to that content for any state seeking to strengthen its summative assessment.

Option 5: Remain with Current Multipart State Academic Content Standards and Assessments

Standards – The intent of Congress in passing ESSA was for states to implement uniform accountability systems, consisting of standards, assessments, and an encompassing accountability system. That also was the intent of Congress with the NCLB legislation. The NCLB negotiated rulemaking committee went against that intent and instead created a multipart accountability system. BIE is the only entity among all states that has such a fragmented accountability system.

Assessments – BIE currently uses a mixture of consortia assessments and state-based assessments in English language arts and math. That arrangement has created significant challenges in obtaining test results on a timely basis, affecting school accountability determinations and statutory reporting of test data.

Based upon the myriad of problems the BIE has encountered in implementing a multipart accountability system with diverse standards and assessments and the impact this approach has had upon schools, it is strongly recommended the this latter option not be implemented under ESSA.

2. Eighth Grade Math Exception (ESEA section 1111(b)(2)(C) and 34 CFR § 200.5(b)(4)):
   i. Does the State administer an end-of-course mathematics assessment to meet the requirements under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA?
      □ Yes
      □ No

   BIE Comment – The BIE currently does not have an end-of-course mathematics assessment. Whether the BIE decides to use one in the future will be decided following the conclusion of negotiated rulemaking.

   ii. If a State responds “yes” to question 2(i), does the State wish to exempt an eighth-grade student who takes the high school mathematics course associated with the end-of-course assessment from the mathematics assessment typically administered in eighth grade under section 1111(b)(2)(B)(v)(I)(aa) of the ESEA and ensure that:

      a. The student instead takes the end-of-course mathematics assessment the State administers to high school students under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA;
      b. The student’s performance on the high school assessment is used in the year in which the student takes the assessment for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of the ESEA and participation in assessments under section 1111(c)(4)(E) of the ESEA;
      c. In high school:
         1. The student takes a State-administered end-of-course assessment or nationally recognized high school academic assessment as defined in 34 CFR § 200.3(d) in mathematics that is more advanced than the assessment the State administers under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA;
         2. The State provides for appropriate accommodations consistent with 34 CFR § 200.6(b) and (f); and
         3. The student’s performance on the more advanced mathematics assessment is used for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of the ESEA and participation in assessments under section 1111(c)(4)(E) of the ESEA;
□ Yes
□ No

**BIE Comment** – The BIE will consider this issue in the context of deciding whether to use an end-of-course mathematics assessment in the future.

iii. If a State responds “yes” to question 2(ii), consistent with 34 CFR § 200.5(b)(4), describe, with regard to this exception, its strategies to provide all students in the State the opportunity to be prepared for and to take advanced mathematics coursework in middle school.

**BIE Comment** – The BIE will consider this issue in the context of deciding whether to use an end-of-course mathematics assessment in the future.

However, one BIE staff person proposed the following for consideration.

- Advanced math courses for eighth grade students offered and would allow any student to access advance coursework, such as Algebra I. For example, a student could take Algebra I prior to high school. Geometry and Algebra II also could be included.
- For Accountability, schools might receive credit for their scores in both proficiency and acceleration/readiness category.
- For accountability, Students in grade 8 who take high school end-of-course (EOC) in math will be able to be counted in accountability calculations.

If this option is selected by BIE, the narrative will need to be further developed. Other states that have selected this option provide examples of how to approach this issue.

3. **Native Language Assessments** (ESEA section 1111(b)(2)(F) and 34 CFR § 200.6(f)(2)(ii)):
   i. Provide its definition for “languages other than English that are present to a significant extent in the participating student population,” and identify the specific languages that meet that definition.

**BIE Comment** – The ESSA requirements for Native language assessments are specific. Citing Legal Information Institute, Cornell Law School, requirements for Native language assessments are outlined below.

(f) *English learners in general.*

(i) Consistent with § 200.2 and paragraphs (g) and (i) of this section, a State must assess English learners in its academic assessments required under § 200.2 in a valid and reliable manner that includes -
   (i) Appropriate accommodations with respect to a student's status as an English learner and, if applicable, the student's status under paragraph (a) of this section. A State must -
      (A) Develop appropriate accommodations for English learners;
      (B) Disseminate information and resources to, at a minimum, LEAs, schools, and parents; and
      (C) Promote the use of such accommodations to ensure that all English learners are able to participate in academic instruction and assessments; and
   (ii) To the extent practicable, assessments in the language and form most likely to yield accurate and reliable information on what those students know and can do to determine the students' mastery of skills in academic content areas until the students have achieved
language proficiency consistent with the standardized, statewide exit procedures in section 3113(b)(2) of the Act.

(2) To meet the requirements under paragraph (f)(1) of this section, the State must -
   (i) Ensure that the use of appropriate accommodations under paragraph (f)(1)(i) of this section
   and, if applicable, under paragraph (b) of this section does not deny an English learner -
      (A) The opportunity to participate in the assessment; and
      (B) Any of the benefits from participation in the assessment that are afforded to students
          who are not English learners; and
   (ii) In its State plan, consistent with section 1111(a) of the Act -
      (A) Provide its definition for “languages other than English that are present to a significant
          extent in the participating student population,” consistent with paragraph (f)(4) of this
          section, and identify the specific languages that meet that definition;
      (B) Identify any existing assessments in languages other than English, and specify for which
          grades and content areas those assessments are available;
      (C) Indicate the languages identified under paragraph (f)(2)(ii)(A) of this section for which
          yearly student academic assessments are not available and are needed; and
      (D) Describe how it will make every effort to develop assessments, at a minimum, in
          languages other than English that are present to a significant extent in the participating
          student population including by providing -
          (1) The State's plan and timeline for developing such assessments, including a description
              of how it met the requirements of paragraph (f)(4) of this section;
          (2) A description of the process the State used to gather meaningful input on the need for
              assessments in languages other than English, collect and respond to public comment, and
              consult with educators; parents and families of English learners; students, as appropriate;
              and other stakeholders; and
          (3) As applicable, an explanation of the reasons the State has not been able to complete
              the development of such assessments despite making every effort.

(3) A State may request assistance from the Secretary in identifying linguistically accessible
    academic assessments that are needed.

(4) In determining which languages other than English are present to a significant extent in a
    State's participating student population, a State must, at a minimum -
   (i) Ensure that its definition of “languages other than English that are present to a significant
       extent in the participating student population” encompasses at least the most populous
       language other than English spoken by the State's participating student population;
   (ii) Consider languages other than English that are spoken by distinct populations of English
       learners, including English learners who are migratory, English learners who were not born in
       the United States, and English learners who are Native Americans; and
   (iii) Consider languages other than English that are spoken by a significant portion of the
       participating student population in one or more of a State's LEAs as well as languages spoken
       by a significant portion of the participating student population across grade levels.

(g) Assessing reading/language arts in English for English learners.

(1) A State must assess, using assessments written in English, the achievement of an English
    learner in meeting the State's reading/language arts academic standards if the student has attended
    schools in the United States, excluding Puerto Rico and, if applicable, students in Native
    American language schools or programs consistent with paragraph (j) of this section, for three or
    more consecutive years.

(2) An LEA may continue, for no more than two additional consecutive years, to assess an
    English learner under paragraph (g)(1) of this section if the LEA determines, on a case-by-case
    individual basis, that the student has not reached a level of English language proficiency
    sufficient to yield valid and reliable information on what the student knows and can do on
    reading/language arts assessments written in English.
The requirements in paragraph (g)(1)-(2) of this section do not permit a State or LEA to exempt English learners from participating in the State assessment system.

(h) **Assessing English language proficiency of English learners.**

(1) Each State must -

(i) Develop a uniform, valid, and reliable statewide assessment of English language proficiency, including reading, writing, speaking, and listening skills; and

(ii) Require each LEA to use such assessment to assess annually the English language proficiency, including reading, writing, speaking, and listening skills, of all English learners in kindergarten through grade 12 in schools served by the LEA.

(2) The assessment under paragraph (h)(1) of this section must -

(i) Be aligned with the State's English language proficiency standards under section 1111(b)(1)(F) of the Act;

(ii) Be developed and used consistent with the requirements of § 200.2(b)(2), (4), and (5); and

(iii) Provide coherent and timely information about each student's attainment of the State's English language proficiency standards to parents consistent with § 200.2(e) and section 1112(c)(3) of the Act.

(3) If a State develops a computer-adaptive assessment to measure English language proficiency, the State must ensure that the computer-adaptive assessment -

(i) Assesses a student's language proficiency, which may include growth toward proficiency, in order to measure the student's acquisition of English; and

(ii) Meets the requirements for English language proficiency assessments in paragraph (h) of this section.

(4) A State must provide appropriate accommodations that are necessary to measure a student's English language proficiency relative to the State's English language proficiency standards under section 1111(b)(1)(F) of the Act for each English learner covered under paragraph (a)(1)(i) or (iii) of this section.

(ii) If an English learner has a disability that precludes assessment of the student in one or more domains of the English language proficiency assessment required under section 1111(b)(2)(G) of the Act such that there are no appropriate accommodations for the affected domain(s) (e.g., a non-verbal English learner who because of an identified disability cannot take the speaking portion of the assessment), as determined, on an individualized basis, by the student's IEP team, 504 team, or by the individual or team designated by the LEA to make these decisions under title II of the ADA, as specified in paragraph (b)(1) of this section, a State must assess the student's English language proficiency based on the remaining domains in which it is possible to assess the student.

(5) A State must provide for an alternate English language proficiency assessment for each English learner covered under paragraph (a)(1)(ii) of this section who cannot participate in the assessment under paragraph (h)(1) of this section even with appropriate accommodations.

(i) Recently arrived English learners. (1) A State may exempt a recently arrived English learner, as defined in paragraph (k)(2) of this section, from one administration of the State's reading/language arts assessment under § 200.2 consistent with section 1111(b)(3)(A)(i)(I) of the Act.

(ii) If a State does not assess a recently arrived English learner on the State's reading/language arts assessment consistent with section 1111(b)(3)(A)(i)(I) of the Act, the State must count the year in which the assessment would have been administered as the first of the three years in which the student may take the State's reading/language arts assessment in a native language consistent with paragraph (g)(1) of this section.

(iii) A State and its LEAs must report on State and local report cards required under section 1111(h) of the Act the number of recently arrived English learners who are not assessed on the State's reading/language arts assessment.
(iv) Nothing in this section relieves an LEA from its responsibility under applicable law to provide recently arrived English learners with appropriate instruction to enable them to attain English language proficiency as well as grade-level content knowledge in reading/language arts, mathematics, and science.

(2) A State must assess the English language proficiency of a recently arrived English learner pursuant to paragraph (h) of this section.

(3) A State must assess the mathematics and science achievement of a recently arrived English learner pursuant to § 200.2 with the frequency described in § 200.5(a).

(j) Students in Native American language schools or programs.

(1) Except as provided in paragraph (j)(2) of this section, a State is not required to assess, using an assessment written in English, student achievement in meeting the challenging State academic standards in reading/language arts, mathematics, or science for a student who is enrolled in a school or program that provides instruction primarily in a Native American language if -

(i) The State provides such an assessment in the Native American language to all students in the school or program, consistent with the requirements of § 200.2;

(ii) The State submits evidence regarding any such assessment in the Native American language for peer review as part of its State assessment system, consistent with § 200.2(d), and receives approval that the assessment meets all applicable requirements; and

(iii) For an English learner, as defined in section 8101(20)(C)(ii) of the Act, the State continues to assess the English language proficiency of such English learner, using the annual English language proficiency assessment required under paragraph (h) of this section, and provides appropriate services to enable him or her to attain proficiency in English.

(2) Notwithstanding paragraph (g) of this section, the State must assess under § 200.5(a)(1)(i)(B), using assessments written in English, the achievement of each student enrolled in such a school or program in meeting the challenging State academic standards in reading/language arts, at a minimum, at least once in grades 9 through 12.

(k) Definitions with respect to English learners and students in Native American language schools or programs. For the purpose of this section -

(1) “Native American” means “Indian” as defined in section 6151 of the Act, which includes Alaska Native and members of Federally recognized or State-recognized tribes; Native Hawaiian; and Native American Pacific Islander.

(2) A “recently arrived English learner” is an English learner who has been enrolled in schools in the United States for less than twelve months.

(3) The phrase “schools in the United States” includes only schools in the 50 States and the District of Columbia.5

The BIE is currently evaluating these requirements and how they apply to BIE as an SEA and BIE-funded schools.

ii. Identify any existing assessments in languages other than English, and specify for which grades and content areas those assessments are available.

BIE Comment – Several tribes and associated BIE-funded schools are interested in developing Native language assessments. They have made efforts to develop such assessments. As part of BIE’s analysis of Native language assessments, the BIE will address this issue.

iii. Indicate the languages identified in question 3(i) for which yearly student academic assessments are not available and are needed.

iv. Describe how it will make every effort to develop assessments, at a minimum, in languages other than English that are present to a significant extent in the participating student population including by providing
   a. The State’s plan and timeline for developing such assessments, including a description of how it met the requirements of 34 CFR § 200.6(f)(4);
   b. A description of the process the State used to gather meaningful input on the need for assessments in languages other than English, collect and respond to public comment, and consult with educators; parents and families of English learners; students, as appropriate; and other stakeholders; and
   c. As applicable, an explanation of the reasons the State has not been able to complete the development of such assessments despite making every effort.

4. Statewide Accountability System and School Support and Improvement Activities (ESEA section 1111(c) and (d)):
   i. Subgroups (ESEA section 1111(c)(2)):
      a. List each major racial and ethnic group the State includes as a subgroup of students, consistent with ESEA section 1111(c)(2)(B).

A suggestion from a BIE staff person is to include students taking an advanced math end-of-course assessments prior to high school as a student group in the Statewide (i.e., BIE) accountability system. This suggestion is based upon the creation of BIE-wide K-8 acceleration imitative, which is at the proposal stage.

   c. Does the State intend to include in the English learner subgroup the results of students previously identified as English learners on the State assessments required under ESEA section 1111(b)(2)(B)(v)(I) for purposes of State accountability (ESEA section 1111(b)(3)(B))? Note that a student’s results may be included in the English learner subgroup for not more than four years after the student ceases to be identified as an English learner.
      □ Yes
□  No

**BIE Comment** – BIE is currently evaluating this option.

d. If applicable, choose one of the following options for recently arrived English learners in the State:

- ☐ Applying the exception under ESEA section 1111(b)(3)(A)(i); or
- ☑ Applying the exception under ESEA section 1111(b)(3)(A)(ii); or
- ☐ Applying the exception under ESEA section 1111(b)(3)(A)(i) or under ESEA section 1111(b)(3)(A)(ii). If this option is selected, describe how the State will choose which exception applies to a recently arrived English learner.

**BIE Comment** – See above comment.

ii.  **Minimum N-Size (ESEA section 1111(c)(3)(A))**:

a. Provide the minimum number of students that the State determines are necessary to be included to carry out the requirements of any provisions under Title I, Part A of the ESEA that require disaggregation of information by each subgroup of students for accountability purposes.

**BIE Comment** – With its current multi-part accountability system, adopted under NCLB, the BIE is required to use the n-size of the state in which the BIE-funded schools is located. The n-size varies across the 23 states.

Should BIE adopt a uniform accountability system, the BIE for the first time will adopt a single minimum number of students across its school system to meet the requirements of any provisions under Title I, Part A of the ESEA that require disaggregation of information by each subgroup of students for accountability purposes. A BIE-wide n-size has not been decided, although the merits of various options have been discussed, mainly based on the n-size used in BIE’s 23 states use. A cursory review of State Plans submitted to the U.S. Department of Education indicates an N-size range of 10 to 30.

b. Describe how the minimum number of students is statistically sound.

**BIE Comment** – The soundness of a single n-size or all BIE-funded schools will be examined should the BIE formally adopt a uniform accountability system.

c. Describe how the minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when determining such minimum number.

**BIE Comment** – See above comment.

d. Describe how the State ensures that the minimum number is sufficient to not reveal any personally identifiable information.\(^6\)

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\(^6\) Consistent with ESEA section1111(i), information collected or disseminated under ESEA section 1111 shall be collected and disseminated in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions
iii. a. If the State’s minimum number of students for purposes of reporting is lower than the minimum number of students for accountability purposes, provide the State’s minimum number of students for purposes of reporting.

BIE Comment – See above comment.

iv. Establishment of Long-Term Goals (ESEA section 1111(c)(4)(A)):

a. Academic Achievement. (ESEA section 1111(c)(4)(A)(i)(I)(aa))

1. Describe the long-term goals for improved academic achievement, as measured by proficiency on the annual statewide reading/language arts and mathematics assessments, for all students and for each subgroup of students, including: (1) the timeline for meeting the long-term goals, for which the term must be the same multi-year length of time for all students and for each subgroup of students in the State, and (2) how the long-term goals are ambitious.

BIE Comment – Following the outcome of negotiated rulemaking, the BIE will establish long-term goals for improved academic achievement, as measured by proficiency on the annual statewide reading/language arts and mathematics assessments. Specifically, ESSA requires states to set ambitious long-term goals, as well as measures of interim progress, in at least three areas: 1) state assessment results in reading/language arts and math, 2) graduation rates, and 3) progress toward English language proficiency for English learners. Goals must be set for all students and for each student group so that schools have to make bigger gains for groups that start out behind.

In a recent article, Education Week provided a summary of the kinds of goals states are setting as represented in their State plans. Two approaches emerge.

Some states chose fixed goals that aim for all students, and all subgroups of vulnerable students, such as those qualifying for subsidized school lunches or English-language learners, to reach the same target (such as 80 percent proficiency). What's nice about this kind of goal is that it sets the same endpoint, making it easier to see over time how achievement gaps are expected to close. States in this category include: Arkansas, Hawaii, Kansas, Mississippi, (grades 3-8 only), Ohio, Minnesota, New York, Rhode island, South Dakota, Virginia, West Virginia, and Wyoming.

Did any state brave 100 percent, which was the goal for all states under NCLB? That would be South Dakota, which aims for all students to be proficient in reading and math by 2030-31.

Other states picked relative goals, which means that schools' endpoint is relative to their starting point, and can differ among groups of students. Even though this approach expects more progress of further-behind subgroups, they don't have the same end target as the higher-achieving groups.
within the plan's timeline. Falling into this camp are: Alabama, Alaska, California, Georgia, Iowa, Indiana, Kentucky, Maryland, Missouri, Mississippi, (grad rate only), Montana, Nebraska, North Carolina, Pennsylvania, Utah, and Wisconsin.\textsuperscript{7}

The choice of long-term goals is a significant decision for states and for the BIE. The\textit{Education Week} article reports analysis of the Education Trust regarding long-term goal setting by states.\textsuperscript{8}

This is one of the big choices for states that advocates like the Education Trust, a group that works on behalf of needy students and students of color, have weighed in on. The group prefers the fixed-goals approach, assuming that the goals are ambitious but achievable \textit{[sic]}, because with relative goals states need to do a lot of messaging to demonstrate that they're not lowering expectations for some students.\textsuperscript{9}

It might be helpful to see more specifically what states selected for long-term goals. Education Week…

- **Arizona:** The state wants proficiency gaps between 90 percent proficiency and baseline proficiency for all students and student groups to be cut at least in half by the 2027-28 school year; also, Arizona wants all students to hit at least 90 percent proficiency on state English/language arts and math exams by 2039-40; the state also wants a 90 percent graduation rate for the four-year adjusted cohort rate by 2030

- **Louisiana:** Annual average improvement target of 2.5 percentage point gains in achievement on state reading and math tests between 2018 and 2025 for all students and student subgroups; plan includes goal of reaching a graduation rate of 90 percent by 2025 for all students and student subgroups

- **Maine:** The state wants all students and student subgroups to hit various performance targets on state exams by 2030; goal is for 75.2 percent of all students to be proficient in reading/language arts, and 69.2 percent to be proficient in math; wants 90 percent of all students and student subgroups to graduate in 2030 or maintain their current graduation rate, whichever is higher, using the four-year adjusted cohort method

- **Michigan:** Proposes that 75 percent of schools and 75 percent of all student subgroups reach various proficiency targets on state exams in English/language arts, math, science, and other subjects by 2024-25

- **Nevada:** By 2022, have 61 percent of all students and subgroups proficient in English/language arts and 41 percent proficient in math; have 84 percent of high school students graduate after four years

- **New Mexico:** By 2022, 64.9 percent of students will be proficient on PARCC English/language arts test, and 61.2 percent proficient on PARCC math test

- **North Dakota:** The state plans to set goals on the state reading and math tests for all students and several student subgroups for the 2023-24 school year; overall, the state's goal is to reduce "the number of nonproficient students for all students and for each subgroup of students by 33 percent within six years"

- **Oregon:** The state wants 80 percent of all students and student subgroups to score at a level demonstrating that they are on track for postsecondary readiness by 2024-25, based on state tests; also wants all students and student subgroups to graduate at a 90 percent clip by the same year\textsuperscript{10}


\textsuperscript{9} Sawchuk, Stephen. “Inside ESSA Plans.

\textsuperscript{10} \textit{Education Week}, “ESSA Plans: Explainer and Key Takeaways Form Each State.” \textit{Education Week}, N.P.
The above selection of states is only a sample of the 50 states that submitted State Plans for peer review. BIE’s decision should not be made solely on the basis of states in which BIE-funded schools are located, because some of the most highly rated approaches were in non-BIE states.

For BIE, a decision will need to be made between fixed goals and relative goals, as well as timeline to achieve those goals.

In regard to timelines states chose a wide range of timelines for their long-term goal, according to the Education Week article. Timelines ranged from just five years to timelines spanning more than a decade. Iowa expects one-half to 1 percent annual achievement growth for schools and subgroups over a five year period. Georgia expects its schools and subgroups to increase by 3 percent annually for the next 15 years.

BIE will need to decide on a timeline to accompany its long-term goals. Stakeholder input into this issue is welcome.

2. Provide the measurements of interim progress toward meeting the long-term goals for academic achievement in Appendix A.

**BIE Comment** – The measurements will be determined at the time the long-term goals and timelines are established.

3. Describe how the long-term goals and measurements of interim progress toward the long-term goals for academic achievement take into account the improvement necessary to make significant progress in closing statewide proficiency gaps.

**BIE Comment** – The improvement necessary to make significant progress in closing statewide proficiency gaps will be explained in the context of the long-term goals, timeline, and interim measures.

b. **Graduation Rate.** (ESEA section 1111(c)(4)(A)(i)(I)(bb))

1. Describe the long-term goals for the four-year adjusted cohort graduation rate for all students and for each subgroup of students, including: (1) the timeline for meeting the long-term goals, for which the term must be the same multi-year length of time for all students and for each subgroup of students in the State, and (2) how the long-term goals are ambitious.

**BIE Comment** – ESSA requires states to base long-term goals and interim progress measurements on the four-year adjusted cohort graduation rate. If a state decides to use an extended-year adjusted cohort rate as an indicator for its accountability system, the state must set more rigorous long-term goals and interim progress measurements for the extended-year rate than for the four-year adjusted cohort rate. In addition, similar to Academic Achievement, states must require greater rates of improvement for subgroups that graduate high school at lower rates.

Under NCLB, the BIE utilized a four-year adjusted cohort graduation rate for all students and for each subgroup of students. As mentioned previously, the BIE is required by ESSA to conduct negotiated
rulemaking to determine its academic standards, assessments and accountability system. Once concluded, the long-term goals will be established, along with the timeline for meeting the long-term goals.

Whether the BIE uses a four-year adjusted cohort graduation rate or an extended-year adjusted cohort rate as an indicator for its accountability system will be determined following the conclusion of rulemaking. Stakeholder input into this issue is welcome.

2. If applicable, describe the long-term goals for each extended-year adjusted cohort graduation rate, including (1) the timeline for meeting the long-term goals, for which the term must be the same multi-year length of time for all students and for each subgroup of students in the State; (2) how the long-term goals are ambitious; and (3) how the long-term goals are more rigorous than the long-term goal set for the four-year adjusted cohort graduation rate.

*BIE Comment* – The BIE has not yet decided to use an extended-year adjusted cohort graduation rate. If it does, long-term goals and timelines will be determined.

3. Provide the measurements of interim progress toward the long-term goals for the four-year adjusted cohort graduation rate and any extended-year adjusted cohort graduation rate in Appendix

*BIE Comment* – The BIE has not yet decided to use an extended-year adjusted cohort graduation rate.

4. Describe how the long-term goals and measurements of interim progress for the four-year adjusted cohort graduation rate and any extended-year adjusted cohort graduation rate take into account the improvement necessary to make significant progress in closing statewide graduation rate gaps.

*BIE Comment* – The BIE has not yet decided to use an extended-year adjusted cohort graduation rate. It will be considered. Stakeholder feedback is welcome.

c. **English Language Proficiency. (ESEA section 1111(c)(4)(A)(ii))**

1. Describe the long-term goals for English learners for increases in the percentage of such students making progress in achieving English language proficiency, as measured by the statewide English language proficiency assessment, including: (1) the State-determined timeline for such students to achieve English language proficiency and (2) how the long-term goals are ambitious.

*BIE Comment* – Under NCLB, BIE-funded schools utilized the English language assessment of the state in which they were located. BIE is currently exploring the English Language Proficiency based on those states’ assessments in order to determine a direction to meet the requirements of ESSA.

2. Provide the measurements of interim progress toward the long-term goal for increases in the percentage of English learners making progress in achieving English language proficiency in Appendix A.
**BIE Comment** – See above comment.

v. Indicators (ESEA section 1111(c)(4)(B))

   a. Academic Achievement Indicator. Describe the Academic Achievement indicator, including a description of how the indicator (i) is based on the long-term goals; (ii) is measured by proficiency on the annual Statewide reading/language arts and mathematics assessments; (iii) annually measures academic achievement for all students and separately for each subgroup of students; and (iv) at the State’s discretion, for each public high school in the State, includes a measure of student growth, as measured by the annual Statewide reading/language arts and mathematics assessments.

**BIE Comment:** ESSA requires each State to include, at a minimum, four distinct indicators of student performance, measured for all students and separately for each subgroup of students, for each school in its statewide accountability system. Although five types of indicators are described in the statute, only four indicators must apply to each public school in a State because two of the required indicators apply only to schools in certain grade spans.

- An indicator of academic achievement, based on the long-term goals, that measures proficiency on the statewide assessments in reading/language arts and mathematics. At the State’s discretion, this indicator may also include a measure of student growth on such assessments, for high schools only.
- For elementary and middle schools, an indicator that measures either student growth or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance.
- For all high schools, an indicator, based on the long-term goals established that measures the four-year adjusted cohort graduation rate, and, at the State’s discretion, the extended-year adjusted cohort graduation rate.
- An indicator measuring progress in achieving English language proficiency, within a State-determined timeline, for all English learners. This indicator must be measured using the English language proficiency assessments for all English learners in each of grades 3 through 8, and in the grade in which English learners are assessed to assess students once in high school.
- At least one valid, reliable, and comparable indicator of school quality or student success. Such an indicator may include measures of student or educator engagement, student access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or any other measure a State chooses. Any school quality or student success indicator chosen by the State allows for meaningful differentiation of school performance, and that the school quality or success indicator(s) be valid, reliable, comparable, and statewide (except that such indicator(s) may vary for each grade span).

*Education Week* summarized Academic Indicators selected by states. Below is a summary of selected states where BIE-funded schools are located.

- **Arizona:** Academic achievement, academic progress, graduation rates for high schools (including four-, five-, six-, and seven-year graduation rates), English-language proficiency
- **Louisiana:** Achievement on state exams, including high school end-of-course exams and an ACT/WorkKeys index; growth index; graduation rate index; English-language proficiency index; school quality indicators including access to a well-rounded education
• **Maine:** Achievement; growth; four-, five-, and six-year graduation rates; progress for English-learners

• **Michigan:** 100-point achievement index; 100-point growth index; four-, five-, and six-year cohort graduation rates; 100-point English-learner progress index; various school-quality indicators depending on grade level; participation in state assessments

• **Nevada:** Proficiency; English-language proficiency; growth; graduation rates for high schools

• **New Mexico:** Four-, five-, and six-year graduation rates; achievement; growth in four-year graduation rate; STEM readiness; English-language proficiency

• **North Dakota:** For elementary school, academic achievement, growth, progress in English language proficiency; for high school, academic achievement, growth, progress in English-language proficiency, four-, five-, and six-year graduation rates

• **Oregon:** Achievement in English/language arts and math; growth in E/LA and math; four-year graduation rate; English-language performance and growth

The above selection of states is only a sample of the 50 states that submitted State Plans for peer review. BIE’s decision should not be made solely on the basis of states in which BIE-funded schools are located, because some of the most highly rated approaches were in non-BIE states.

BIE will need to decide on Academic Indicators following the completion of negotiated rulemaking. Stakeholder input into this issue is welcome.

b. **Indicator for Public Elementary and Secondary Schools that are Not High Schools (Other Academic Indicator).** Describe the Other Academic indicator, including how it annually measures the performance for all students and separately for each subgroup of students. If the Other Academic indicator is not a measure of student growth, the description must include a demonstration that the indicator is a valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance.

**BIE Comment** – BIE’s Other Academic Indicator will be determined following the conclusion of negotiated rulemaking. Stakeholder input is welcome.

c. **Graduation Rate.** Describe the Graduation Rate indicator, including a description of (i) how the indicator is based on the long-term goals; (ii) how the indicator annually measures graduation rate for all students and separately for each subgroup of students; (iii) how the indicator is based on the four-year adjusted cohort graduation rate; (iv) if the State, at its discretion, also includes one or more extended-year adjusted cohort graduation rates, how the four-year adjusted cohort graduation rate is combined with that rate or rates within the indicator; and (v) if applicable, how the State includes in its four-year adjusted cohort graduation rate and any extended-year adjusted cohort graduation rates students with the most significant cognitive disabilities assessed using an alternate assessment aligned to alternate academic achievement standards under ESEA section 1111(b)(2)(D) and awarded a State-

defined alternate diploma under ESEA section 8101(23) and (25).

**BIE Comment** – Under NCLB, the BIE utilized a four-year adjusted cohort graduation rate for all students and for each subgroup of students. As mentioned previously, the BIE is required by ESSA to conduct negotiated rulemaking to determine its academic standards, assessments and accountability system. Once concluded, the long-term goals will be established, along with the timeline for meeting the long-term goals.

d. Progress in Achieving English Language Proficiency (ELP) Indicator. Describe the Progress in Achieving ELP indicator, including the State’s definition of ELP, as measured by the State ELP assessment.

**BIE Comment** – Under NCLB, BIE-funded schools utilized the English language assessment of the state in which they were located. BIE is currently exploring the English Language Proficiency based on those states’ assessments in order to determine a direction to meet the the requirements of ESSA.

e. School Quality or Student Success Indicator(s). Describe each School Quality or Student Success Indicator, including, for each such indicator: (i) how it allows for meaningful differentiation in school performance; (ii) that it is valid, reliable, comparable, and statewide (for the grade span(s) to which it applies); and (iii) of how each such indicator annually measures performance for all students and separately for each subgroup of students. For any School Quality or Student Success indicator that does not apply to all grade spans, the description must include the grade spans to which it does apply.

**BIE Comment** – ESSA allows states to go beyond test scores and graduation rates as indicators of student success and to consider other measures of “school quality or student success.” While states are free to select almost any indicator they want, the most common factors selected by states in their State plans are chronic absenteeism and college-and-career readiness. According to Education Week, chronic absenteeism and college-and-career readiness have been selected by 40-plus states that have filed their State plans to implement the Every Student Success Act. At least 33 states are looking at chronic absenteeism or attendance in some form as an accountability indicator. Some states chose factors that closely related to attendance, such as California which is looking at suspensions and discipline rates.12

Also according to the Education Week article,

At least 33 states are incorporating some kind of postsecondary-readiness measure, whether that’s ACT scores, SAT scores, dual enrollment, Advanced Placement, career and technical education pathways, a mix of those factors, or something else. For instance New York is looking at whether students enroll and pass advanced courses, or earn college credit through dual enrollment. And Georgia is considering whether students earn credit through Advanced Placement or International Baccalaureate courses, or a CTE certification.13

In addition to chronic absenteeism and college-and-career readiness, states have considered a range of other measures, including:

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13 Ibid.
• postsecondary-readiness measure
• school climate
• student engagement
• teacher engagement
• access to and success in advanced coursework
• Grade point average in 9th grade as indicator of high school success

One state, Illinois, is considering fine arts. No state has chosen social and emotional factors for their measure, according to the above Education Week article.

Education Week in a separate article also summarized School Quality or Student Success indicators selected by states. Below is a summary of selected states where BIE-funded schools are located.

- **Arizona:** For elementary schools: acceleration and readiness; for high schools: college- and career-readiness (these measures are still being finalized)
- **Louisiana:** Middle schools would be measured on credit accumulation through 9th grade; high schools would be measured on the "strength of diploma" students receive; all schools would be measured on "interests and opportunities" that cover various programs
- **Maine:** Percentage of students who have consistent attendance
- **Michigan:** State would include four factors in this indicator: chronic absenteeism; time spent in arts, library, and physical education programs in K-8; advanced coursework in grades 11-12; and postsecondary enrollment rates
- **Nevada:** Student engagement; college-and-career readiness (for high schools) closure of opportunity gaps for elementary and middle schools
- **New Mexico:** "Opportunity to learn surveys" to capture climate, student engagement, and more; attendance measures; college-and-career readiness, including remediation and persistence
- **North Dakota:** Student engagement as measured through surveys for elementary schools, student engagement and career readiness for high schools
- **Oregon:** All schools will use chronic absenteeism as an indicator of school quality; high schools will also be judged on two other indicators: involving 9th grade academic progress and high school completion

The above selection of states is only a sample of the 50 states that submitted State Plans for peer review. BIE’s decision should not be made solely on the basis of states in which BIE-funded schools are located, because some of the most highly rated approaches were in non-BIE states.

The BIE will want to consider “school quality or student success” measures that show meaningful differentiation in school performance.

vi. **Annual Meaningful Differentiation** *(ESEA section 1111(c)(4)(C))*
   a. Describe the State’s system of annual meaningful differentiation of all public schools in the State, consistent with the requirements of section 1111(c)(4)(C) of the ESEA, including a description of (i) how the system is based on all indicators in the State’s accountability system,

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(ii) for all students and for each subgroup of students. Note that each state must comply with the requirements in 1111(c)(5) of the ESEA with respect to accountability for charter schools.

**BIE Comment** – the system of annual meaningful differentiation will be decided as part of the larger accountability system once negotiated rulemaking is completed.

b. Describe the weighting of each indicator in the State’s system of annual meaningful differentiation, including how the Academic Achievement, Other Academic, Graduation Rate, and Progress in ELP indicators each receive substantial weight individually and, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate.

**BIE Comment** – The weighting of indicators will be decided as part of the larger accountability system, once negotiated rulemaking is completed.

c. If the States uses a different methodology for annual meaningful differentiation than the one described in 4.v.a. above for schools for which an accountability determination cannot be made (e.g., P-2 schools), describe the different methodology, indicating the type(s) of schools to which it applies.

**BIE Comment** – The methodology for annual meaningful differentiation will be decided as part of the larger accountability system, once negotiated rulemaking is completed.

vii. Identification of Schools (ESEA section 1111(c)(4)(D))

a. **Comprehensive Support and Improvement Schools.** Describe the State’s methodology for identifying not less than the lowest-performing five percent of all schools receiving Title I, Part A funds in the State for comprehensive support and improvement.

**BIE Comment** – ESSA established guidelines for States, and the BIE as a State, to establish a methodology for identifying not less than the lowest-performing five percent of all schools receiving Title I, Part A funds in the State for comprehensive support and improvement. Specifically, each state must establish methodology and a timeline for the identification of schools for Comprehensive Support and Improvement. The following types of schools are required to be included in this category:

- Not less than the lowest-performing five percent of all Title I schools in the state; identified at least once every three years.
- Any public high school with a four-year adjusted cohort graduation rate at or below 67 percent, or below a higher percentage set by the state; and
- Any Title I school identified for Targeted Support and Improvement because one or more subgroups of students is performing at or below the performance of all students in one of the lowest-performing five percent of Title I schools (described below) that has not improved over a state-determined number of years.

Under NCLB, the BIE had established a methodology for identifying not less than the lowest-performing five percent of all schools receiving Title I, Part A funds. (All BIE-funded schools are Title I, Part A recipients.) That methodology was imperfect, because it was by necessity based on States’ assessment scores, which were not comparable across states, with the exception of PARCC and SBAC assessments.
Moving to a single, uniform accountability system will allow the BIE to develop a methodology for identifying not less than the lowest-performing five percent of all schools. Particulars of the methodology will be determined following the conclusion of negotiated rulemaking. Stakeholder input is welcome.

b. **Comprehensive Support and Improvement Schools.** Describe the State’s methodology for identifying all public high schools in the State failing to graduate one third or more of their students for comprehensive support and improvement.

**BIE Comment** – Particulars of the methodology will be determined following the conclusion of negotiated rulemaking. Stakeholder input is welcome.

c. **Comprehensive Support and Improvement Schools.** Describe the methodology by which the State identifies public schools in the State receiving Title I, Part A funds that have received additional targeted support under ESEA section 1111(d)(2)(C) (based on identification as a school in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D)) and that have not satisfied the statewide exit criteria for such schools within a State-determined number of years.

**BIE Comment** – Particulars of the methodology will be determined following the conclusion of negotiated rulemaking. Stakeholder input is welcome.

d. **Year of Identification.** Provide, for each type of schools identified for comprehensive support and improvement, the year in which the State will first identify such schools and the frequency with which the State will, thereafter, identify such schools. Note that these schools must be identified at least once every three years.

**BIE Comment** – Particulars of the methodology will be determined following the conclusion of negotiated rulemaking. Stakeholder input is welcome.

e. **Targeted Support and Improvement.** Describe the State’s methodology for annually identifying any school with one or more “consistently underperforming” subgroups of students, based on all indicators in the statewide system of annual meaningful differentiation, including the definition used by the State to determine consistent underperformance. *(ESEA section 1111(c)(4)(C)(iii))*

**BIE Comment** – Particulars of the methodology will be determined following the conclusion of negotiated rulemaking. Stakeholder input is welcome.

f. **Additional Targeted Support.** Describe the State’s methodology, for identifying schools in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D), including the year in which the State will first identify such schools and the frequency with which the State will, thereafter, identify such
schools. (*ESEA section 1111(d)(2)(C)-(D)*)

*BIE Comment* – Particulars of the methodology will be determined following the conclusion of negotiated rulemaking. Stakeholder input is welcome.

g. Additional Statewide Categories of Schools. If the State chooses, at its discretion, to include additional statewide categories of schools, describe those categories.

*BIE Comment* – The issue of additional statewide categories of schools will be determined following the conclusion of negotiated rulemaking. Stakeholder input is welcome.

viii. Annual Measurement of Achievement (*ESEA section 1111(c)(4)(E)(iii)*): Describe how the State factors the requirement for 95 percent student participation in statewide mathematics and reading/language arts assessments into the statewide accountability system.

*BIE Comment* – This requirement will be addressed following the conclusion of negotiated rulemaking.

ix. Continued Support for School and LEA Improvement (*ESEA section 1111(d)(3)(A)*)
a. Exit Criteria for Comprehensive Support and Improvement Schools. Describe the statewide exit criteria, established by the State, for schools identified for comprehensive support and improvement, including the number of years (not to exceed four) over which schools are expected to meet such criteria.

*BIE Comment* – ESSA requires States to define exit criteria, based on performance and time allowed, for schools receiving Comprehensive Support. As an example, Nevada’s approach appears below.

The Check State Plans project of the Collaborative for Student Success cited Nevada’s exit criteria as exemplary. Check State Plans summarized Nevada’s exit criteria as follows:

Nevada put in place clear, rigorous exit criteria that require schools to demonstrate significant improvements over time, against pre-determined benchmarks tied to reaching grade-level expectations, before exiting comprehensive or targeted improvement status.

Nevada puts in place rigorous exit criteria that make it difficult for a school to exit comprehensive or targeted improvement status without demonstrating significant improvement over time.  

The full exit criteria as presented in Nevada’s State Plan are as follows:

ii. The uniform statewide exit criteria for schools identified for comprehensive support and improvement established by the State, including the number of years over which schools are expected to meet such criteria, under section 1111(d)(3)(A)(i) of the ESEA and consistent with the requirements in 34 C.F.R. § 200.21(f)(1).

The exit criteria for Comprehensive Support and Improvements will be based on sustained improvements in total index score. Schools must achieve a rating of 3 stars on the NSPF to exit. High schools must have a graduation rate above 67% for two consecutive years and a three star rating in order to exit. School accountability reporting for all schools will include historical trend data.

Nevada acknowledges that increased student performance at our most challenged schools is an ongoing concern.16

The BIE will need to decide exit criteria for BIE-funded schools. This will be done following the completion of negotiated rulemaking. Stakeholder input into this issue is welcome.

b. Exit Criteria for Schools Receiving Additional Targeted Support.
Describe the statewide exit criteria, established by the State, for schools receiving additional targeted support under ESEA section 1111(d)(2)(C), including the number of years over which schools are expected to meet such criteria.

**BIE Comment** – ESSA requires States to define exit criteria, based on performance and time allowed, for schools receiving Additional Targeted Support. As an example, Nevada’s approach appears below.

ii. The State’s methodology, including the timeline, for identifying schools with low-performing subgroups of students under 34 C.F.R. § 200.19(b)(2) and (d) that must receive additional targeted support in accordance with section 1111(d)(2)(C) of the ESEA.

Targeted Supports schools will be identified no later 2018-2019 school year and will be identified every year to participate in a 3-year cohort. The SEA will rank order the student proficiency rates for each designated Comprehensive Support and Improvement School in ELA and mathematics and will identify the lowest proficiency rates in each content area. These rates will establish the cut points at which additional targeted supports schools will be identified. As such, any school with subgroup performance at or below these cut points will be identified for additional targeted supports. Schools that do not improve after implementing an improvement plan over three years (the duration of the improvement plan) will identified for Comprehensive Support and Improvement.17

The BIE will need to decide exit criteria for BIE-funded schools. This will be done following the completion of negotiated rulemaking. Stakeholder input into this issue is welcome.

c. More Rigorous Interventions. Describe the more rigorous interventions required for schools identified for comprehensive support and improvement that fail to meet the State’s exit criteria within a State-determined number of years consistent with section 1111(d)(3)(A)(i)(I) of the ESEA.

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16 The Nevada State Plan is available at: http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/ESSA_Adv_Group/ESSA_Nevada_Consolidated_State_Plan_4.3.17_Finalrev.pdf.
17 The Nevada State Plan is available at: http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/ESSA_Adv_Group/ESSA_Nevada_Consolidated_State_Plan_4.3.17_Finalrev.pdf.
**BIE Comment** – A critical area for the BIE is the interventions identified and provided for comprehensive support and improvement to schools that fail to meet the State’s exit criteria within a State-determined number of years. The reason these interventions are critical is because the BIE has a high percentage of low performing schools. The BIE therefore will need to devise interventions that are evidence-based and proven to be successful if schools are to be effectively supported to improve.

Below are selected examples for a few states.

**Nevada**
A subset of CSI schools are [sic] eligible for entry to the Achievement School District immediately upon meeting the statutory eligibility criteria. The ASD remains an option for schools entering the "more rigorous intervention" designation. The NV ASD may accept up to six schools per year for transformation and pair those schools with high quality school operators or transformation teams. The NV ASD will seek to match operators or transformation teams with school profiles that match their experience and host community meetings to learn about families' and communities' vision for the school. State Turnaround designation remains an option for schools entering the "more rigorous intervention" designation.

All CST schools will be offered a performance compact with the Department that establishes year over year achievement targets for three years. Schools that are not receiving a state intervention will pair the achievement targets with a locally identified intervention. For schools that enter the ASD, the compact will be equivalent to a charter contract. These schools will be prioritized for state and federal school improvement funds due to demonstration of strong commitment to student achievement.

NDE will partner with local districts to identify effective collaborative interventions for their CSI schools. These interventions are built on two central principles: autonomy and accountability. The autonomy will come in the form of alternative governance models that provide greater flexibility for a school and school community from local district policies. The accountability will be anchored on shared student achievement goals aligned to the performance compact.  

**Louisiana**
Beginning with a school's identifications needing comprehensive support and improvement, which occurs when a school is rated "D" or "F" for three consecutive years, additional mandatory interventions go into effect. The LEA is required to submit an improvement plan for state approval using a rigorous evaluation rubric. Once approved, the LDE monitors the implementation of such plan through regular reviews of student data and in coordination with the agency's ongoing district planning/network interactions with LEA leadership. The LDE's role increases where schools are not making progress. The LDE may enter into agreements with LEAs to provide for specific improvement strategies, as was recently announced with the Caddo Parish School System.

If a school has been identified for comprehensive support or improvement after four consecutive years, the LDE and BESE, if applicable, will increase the level of interventions using one of the options available within state laws and BESE regulations. A school that is F-rated ("academically unacceptable") for four consecutive years is eligible

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18 The Nevada State Plan, p. 69.
for placement within the jurisdiction and direct control of the RSD. This allows the LDE and BESE to enact a diverse set of strategies for radical school improvement in the schools where conventional improvement strategies have not generated needed gains. Such strategies could include direct operation of the school or approval of a proven provider to operate the school as a charter school under the state's supervision. For schools not placed under the jurisdiction of the RSD, the LDE will intervene and determine what restrictions on federal fund expenditures or academic programming should be implemented to improve student outcomes. 19 (pp. 68-69)

Above are just two examples of state’s approaches to more rigorous interventions required for schools identified for comprehensive support and improvement. Other states have devised other approaches.

Following tribal consultation, the BIE will determine the more rigorous interventions required for schools identified for comprehensive support and improvement that fail to meet the State’s exit criteria within a State-determined number of years. Stakeholder input is welcome and needed on this issue.

d. **Resource Allocation Review.** Describe how the State will periodically review resource allocation to support school improvement in each LEA in the State serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement.

**BIE Comment** – In the BIE school system, schools are designated as Local Educational Agencies (LEA). 20 The BIE as SEA therefore works directly with schools as the LEAs to address requirements affecting LEAs.

Following tribal consultation, the BIE will determine how the BIE will periodically review resource allocation to support school improvement in each LEA (i.e., school) in the BIE school system identified for comprehensive or targeted support and improvement.

e. **Technical Assistance.** Describe the technical assistance the State will provide to each LEA in the State serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement.

**BIE Comment** – In the BIE school system, schools are designated as Local Educational Agencies (LEA). 21 The BIE as SEA therefore works directly with schools as the LEAs to address requirements affecting LEAs.

Following tribal consultation, the BIE will determine the technical assistance the BIE will provide to each LEA (i.e., school) in the BIE school system identified for comprehensive or targeted support and improvement.

f. **Additional Optional Action.** If applicable, describe the action the State will take to initiate additional improvement in any LEA with a significant number or percentage of schools that are consistently identified by the State for comprehensive support and improvement.

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and are not meeting exit criteria established by the State or in any LEA with a significant number or percentage of schools implementing targeted support and improvement plans.

**BIE Comment** – The BIE will systematically research and devise best approaches to initiate additional improvement in LEAs (i.e., schools) that are consistently identified by the BIE for comprehensive support and improvement and are not meeting exit criteria. Stakeholder input is welcome and needed.

5. Disproportionate Rates of Access to Educators (*ESEA section 1111(g)(1)(B)*): Describe how low-income and minority children enrolled in schools assisted under Title I, Part A are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the SEA agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description.

**BIE Comment** – Under the No Child Left Behind Act (NCLB) of 2001, states were required to ensure that poor and minority students were not being taught by unqualified teachers at a higher rate than other students. However, as of 2014 fewer than half of states had developed separate teacher-equity plans and submitted them to the U.S. Department of Education. Most states’ plans were least several years old, and the Education Trust, a Washington-based organization that advocates for poor and minority kids, found them to be seriously lacking in a 2006 report.

As noted above, the BIE is not a state as defined in ESSA. Not all provisions of ESSA apply to BIE, notably the requirement to create a Teacher Equity Plan. Attempts in 2015 and 2016 were made to create a Teacher Equity Plan for the BIE. Vestiges of that effort are still on the BIE website. See [https://www.bie.edu/Programs/TeacherEquityPlan/index.htm](https://www.bie.edu/Programs/TeacherEquityPlan/index.htm). Considerable effort and resources, I fact, were dedicated to the Teacher Equity Plan.

The challenge for the BIE is this requirement focuses on “how low-income and minority children … are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers…."

Significantly, the BIE differs from states in several respects with regard to the ESSA requirement governing Disproportionate Rates of Access to Educators. States’ school populations are comprised of low income and non-low income students and several categories to minority students. Unlike states, the BIE has just two subgroups: low-income and minority children (i.e., American Indian/Alaska Native). Meaningful analysis on the variables specified by Congress for States is not possible for the BIE.

The above-mentioned Teacher Equity Plan for the BIE, in fact used alternate variable focusing on the rural status of schools, since the “low-income and minority children: variables were not feasible for a meaningful analysis. Analysis of this variable was not directed by Congress.

All of the above is not to say the BIE school system is affected by ineffective, out-of-field, or inexperienced teachers. Simply, the prescribed analysis using variables of low-income and minority children is not feasible when the entire student population of BIE funded schools are considered both low-income and minority children on a single group, namely American Indian/Alaska Native.

The BIE will evaluate this requirement for States (not BIE) for its State Plan.

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22 Consistent with ESEA section 1111(g)(1)(B), this description should not be construed as requiring a State to develop or implement a teacher, principal or other school leader evaluation system.

6. **School Conditions** (*ESEA section 1111(g)(1)(C)*): Describe how the SEA agency will support LEAs receiving assistance under Title I, Part A to improve school conditions for student learning, including through reducing: (i) incidences of bullying and harassment; (ii) the overuse of discipline practices that remove students from the classroom; and (iii) the use of aversive behavioral interventions that compromise student health and safety.

**BIE Comment** – The BIE has been actively engaged in bullying prevention activities, dating to 2011. BIE participated in the Federal Partners in Bullying Prevention summits, hosted by the U.S. Department of Education and eight other federal agencies. The summits engaged representatives from federal agencies, national organizations, parents, teachers, and students to discuss and share progress on anti-bullying efforts across the country.

The BIE also benefitted from outreach efforts by the U.S. Department of Education to make schools, districts, and states fully aware of their responsibility to prevent bullying and to provide guidance, technical assistance, and frameworks to address bullying.

The BIE will more fully develop plans to improve school conditions for student learning. Stakeholder input is welcome into this critical area.

7. **School Transitions** (*ESEA section 1111(g)(1)(D)*): Describe how the State will support LEAs receiving assistance under Title I, Part A in meeting the needs of students at all levels of schooling (particularly students in the middle grades and high school), including how the State will work with such LEAs to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out.

**BIE Comment** – As mentioned previously, the LEA in the BIE school system is the school, in accordance with ESSA. The BIE therefore will work directly with schools in meeting the needs of students at all levels of schooling (particularly students in the middle grades and high school) to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out. BIE’s plan is under development.

For consideration, below are sections of the Maine and Michigan State Plans.

**Maine**
Maine has embedded within both the ESEA Consolidated Application for Federal funds Title I, Part A assurances and within the Comprehensive Needs Assessment/SAU(LEA) Consolidated Plan opportunities for SEAs/LEAs to describe how the SAU/LEA will implement strategies to facilitate effective transitions for student from pre-school to Elementary if applicable; middle grades to high school and from high school to post-secondary education including a) coordination with institutions of higher education, employers, and other local partners; and b) through increased student access to early college, dual or concurrent enrollment opportunities or career counseling to identify student interests and skills. Upon review by the SEA a statewide needs assessment will be developed to develop Tier I support to all schools. (p. 28)

**Michigan**
Michigan already has in place the Michigan Merit Curriculum, which requires all students to take coursework in mathematics, English/language arts, science, social studies, foreign language, and fine arts. Michigan also has rigorous career and college ready standards in mathematics, ELA, and science, and are updating our social studies standards currently. These govern the learning expectations for all students K-12.
We are in the process of developing social-emotional learning standards for K-12. Michigan also has early childhood standards of quality for prekindergarten, that supports a fully integrated comprehensive approach to learning across academic and developmental domains, which are aligned to the K-12 standards; as well as early childhood standards of quality for infants and toddlers and out-of-school time learning. Additionally, the academic component of the “whole child” comprehensive needs assessment will push districts to evaluate to what extent they are making these opportunities available for all students, and will provide the MDE with the opportunity to engage in technical assistance, as well as monitor these areas.

Through the student’s Educational Development Plan (EDP) planning process students, with their parents, will be given individualized assistance in planning coursework to support progress toward educational and career goals, including awareness of careers that may be nontraditional for the student’s gender, and opportunities offered through Career and Technical Education. As part of the EDP process districts will engage students and parents in discussing educational and career opportunities and available academic and financial supports that may be available to minority students, students with disabilities, English learners, and low income students. Districts also will be provided with access to resources to help them think about ways to accommodate the needs of their gifted/talented students.

In CTE, we work extensively to encourage female students to enroll in instructional programs that are non-traditional for their gender. This is one of our annual performance measures for the USDOE as required in our federal Perkins funding. We receive federal funding to help support a gender equity consultant as well.

Finally, Michigan’s Top 10 in 10 strategies around learner-centered supports include a focus on deeper learning and STEM/STEAM, with application for all students. We want to ensure that all Michigan students are accessing high-quality, meaningful, challenging learning experiences. We intend to use data to monitor our progress and can look at access across the various groups listed above.

As referenced earlier, a “whole child” comprehensive needs assessment is key to LEAs supporting the continuum of a student’s education. In addition, as required by Michigan law, each child will complete, with input from his/her parent or guardian, and Educational Development Plan (EDP), no later than 8th grade which will be updated annually, to support individual planning for continuing education and a career by describing the pathway the student will follow to meet challenging State academic standards and career and technical standards. With this tool, a district can comprehensively identify needs, and then target programming and funding sources appropriately.

The SEA will assist LEAs, through technical assistance, in coordinating their work with other high-quality early childhood programs/services funded by the SEA that also require development of a needs assessment, including how the LEA blends and braids funding for early childhood programs and services, including home visiting, if it chooses to utilize funding for early childhood under the needs assessment. It will also work to raise awareness of the importance of transitions from all early childhood settings to elementary settings by having LEAs address transition supports, including transferring child records and comprehensive developmental screening services, within district improvement plans and elementary school improvement plans in order to create transition plans that are informed by and supported by early childhood programs, schools, administrators, and families.
Michigan will also provide technical assistance and guidance on developmentally appropriate practices for early childhood as well as early elementary grades. The ultimate goal is to ensure access to a system of high-quality learning settings across the P-20 continuum.24

The BIE will need to fully develop an approach to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out. BIE’s plan is under development. (pp. 9-41)

24 Both state plans are available at: https://www2.ed.gov/admins/lead/account/stateplan17/statesubmission.html.
B. Title I, Part C: Education of Migratory Children

Note: The Bureau of Indian Education does not receive Title I, Part C funds for Education of Migratory Children activities. There are no migratory students in the BIE school system.

1. Supporting Needs of Migratory Children (ESEA section 1304(b)(1)): Describe how, in planning, implementing, and evaluating programs and projects assisted under Title I, Part C, the State and its local operating agencies will ensure that the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, are identified and addressed through:
   i. The full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;
   ii. Joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A;
   iii. The integration of services available under Title I, Part C with services provided by those other programs; and
   iv. Measurable program objectives and outcomes.

2. Promote Coordination of Services (ESEA section 1304(b)(3)): Describe how the State will use Title I, Part C funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year.

3. Use of Funds (ESEA section 1304(b)(4)): Describe the State’s priorities for the use of Title I, Part C funds, and how such priorities relate to the State’s assessment of needs for services in the State.
C. Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk

1. Transitions Between Correctional Facilities and Local Programs (ESEA section 1414(a)(1)(B)): Provide a plan for assisting in the transition of children and youth between correctional facilities and locally operated programs.

BIE Comment – To ensure effective transitioning the following elements will be incorporated within the BIE’s transition blueprint. The BIE’s comprehensive systemic actions are to work with BIE funded LEA’s.

Assisting Indian youth transitioning between BIE-funded schools, juvenile detention facilities, correctional facilities and local programs (i.e. various types of schools, residential treatment centers, hospitals, child welfare programs, etc.), will be driven by an implementation of the State Correctional Education Self-Assessment (SCES) released by the U.S. Department of Education (DOE) and the Office of Special Education Programs (OSEP) in 2016. The implementation will be a collaborative effort of the BIE, its LEAs, Bureau of Indian Affairs (BIA)-operated juvenile detention centers, tribally-operated juvenile detention centers, as well as federal and state operated corrections. The BIE will also utilize the Age Appropriate Transition Assessment Toolkit, 4th edition (PDF, 64 pages, 2016), developed by the National Technical Assistance Center on Transition (NTACT) for the Education of Neglected or Delinquent Children and Youth (NDTAC).

In addition, as part of OSEP’s differentiated monitoring process for the BIE, graduation rate, drop-out rate, and post-secondary transition were selected for intensive technical assistance. The BIE also plans on conducting an on-site technical assistance visits in collaboration with OSEP, NDTAC, Technical Assistance for Excellence in Special Education (TAESE), and the USED’s Office of Safe and Healthy Students (OHSH) to build upon and improve systemic processes within the BIE to ensure that neglected, delinquent and at-risk students are supported as they enter or exit the correctional community. The differentiated monitoring plan is also an integrated part of the BIE’s ESSA State plan.

The BIE will develop a multi-year phase-in process of SCES in collaboration with TAESE, NDTAC, BIA, various Indian tribes, Indian Health Service, and federal juvenile correctional facilities. This endeavor will focus on comprehensive and effective agreements between these entities and the BIE and its funded LEA’s. The objective of this endeavor is to ensure maximum participation in required student assessments to include accurate data collection and reporting; effective instructional practices and staff development, and effective transition processes including the timely transfer of student records between facilities and bureau funded LEA’s.

Other transitioning elements: (not in priority order)

- The BIE will work with its LEAs to establish student plans or programs that will require all BIE funded schools to have in place for students (8-12 grades) which identifies student’s postsecondary interests, and outlines a student’s studies he/she will need to complete in order to stay on track for graduation. For BIE’s students with disabilities the IDEA requirements are currently incorporated into each student’s Individual Education Plan (IEP) transition plan. It was noted above that the BIE’s post-secondary transition area has been selected for intensive technical assistance by OSEP and is included in OSEP’s differentiated monitoring process.
- The BIE and LEA plans include measurable achievement objectives for students. The activities designed to meet these objectives will encourage all education staff to become more actively involved in the educational process of their students.
- The BIE will work collaboratively with BIE funded LEA’s to review submitted plans and applications and to support them in reaching program objectives and outcomes regarding the
transition of American Indian youth between juvenile detention or correctional facilities and BIE funded schools.

- Interagency collaboration between entities such as correctional education staff at facilities, LEA’s and community-based programs (i.e., mental health and social services).
- Provide technical assistance and monitor the LEA’s to ensure:
  - Title 1, Part D services are available and provided for eligible children, and that services are aligned to Title 1, Part D plans; and
  - Grant applications submitted to the BIE are in compliance with all ESSA and IDEA regulations.
  - LEA’s to set aside, up to 15% of the Title I, Part D allocation to perform transition activities that help neglected, delinquent and at-risk students from programs into postsecondary education opportunities and/or employment;
- Supporting credit accrual and recovery for neglected and delinquent children by providing professional development webinars on best practice strategies that increase the credit accrual or recovery;
- Providing trainings to state agencies and LEAs on how to prepare the neglected and delinquent youth for postsecondary education or career and technical training programs;
- Ensuring that juvenile detention centers or correctional facilities are able to meet the needs of students with disabilities and comply with the requirements of the IDEA regarding child find, the free appropriate public education provision (FAPE) of federal law, and the development of IEPs. The BIE will revise existing interagency agreements to ensure the juvenile detention and correctional facilities develop appropriate intake procedures and coordinate effectively with BIE funded LEAs to expedite the provision of special education and related services required to meet a youth’s needs. In addition, the BIE will develop guidance and provide technical assistance to juvenile detention, correctional agencies and LEAs regarding the provision of FAPE and the development of IEPs.
- Work with LEA’s to ensure the timely record transfer of pertinent school records (i.e. current records, student school health information, special education records, stored historical school records) of eligible served children; assist the LEA’s to locate requested current or historical records from program eligible students transferring to their LEA’s.
- Consult with the juvenile detention community at least two times a year regarding the planning, operation and evaluation of the BIE Title 1, Part D Program for BIE funded LEA’s.
- Work with LEA’s to note when a youth has come into contact with both the child welfare and juvenile justice systems and to deliver evidence-based services and interventions designed to keep such youth in school; and
- Work with BIE funded LEA’s and juvenile detentions to maintain and improve educational achievement; help students graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate.

2. **Program Objectives and Outcomes (ESEA section 1414(a)(2)(A)):** Describe the program objectives and outcomes established by the State that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children in the program.

**BIE Comment** – Described below in chart form are the program objectives and outcomes established by the BIE – for discussion purposes – that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children in the program.
GOAL 1: BIE funded LEA’s, juvenile detention facilities and correctional facilities will make efforts to maintain and improve student educational achievement.

Objectives: (1) Help students graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate.

Performance Measure:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
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<tbody>
<tr>
<td>Indicator A</td>
<td>Improve the graduation rate by $%$</td>
</tr>
<tr>
<td>Indicator B</td>
<td>When appropriate, the BIE will coordinate with juvenile detention facilities and correctional facilities to allow BIE students to complete a regular high school diploma.</td>
</tr>
<tr>
<td>Indicator C</td>
<td>When appropriate, the BIE will assist eligible students to enroll in an adult basic literacy education program leading toward the successful completion of a high school equivalency diploma.</td>
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<tr>
<td>Indicator D</td>
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<td>Indicator E</td>
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GOAL 2: Provide children and youth with the timely necessary services needed to make a successful transition to and from juvenile detention facilities and correctional facilities.

Objectives: (1) Work with LEA’s to ensure the timely record transfer of pertinent school records; (2) assist the LEA’s to locate requested current or historical records from program eligible students transferring to their LEA’s.

Performance Measure:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
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<tbody>
<tr>
<td>Indicator A</td>
<td>When a child or youth has been dropped from the school program or has been absent from a BIE school for 10 consecutive days, within 3-5 calendar days the school will initiate contact with the child’s legal guardian(s) to investigate the whereabouts of the child to ensure the timely transfer of pertinent school records to the next facility to ensure a successful transition for the student.</td>
</tr>
<tr>
<td>Indicator B</td>
<td>When a child or youth has been located, after they have been dropped from the school program the school, with legal guardian approval, the school will transfer pertinent school records to the next facility within 2-3 calendar days to ensure a successful transition for the student.</td>
</tr>
<tr>
<td>Indicator C</td>
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<td>Indicator D</td>
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GOAL 3: Collaborate with outside partners/agencies (i.e. BIA, tribes, DOJ, Indian Health Service) to reduce barriers to equity and close the opportunity and achievement gap for all students.

Objectives: (1) Build and maintain working relationships with outside partners and/or agencies; (2) Build and maintain ongoing feedback mechanisms with diverse partners and advisory groups; (3) Facilitate collaboration among state agencies, LEAs and the tribal education agencies to increase awareness of programs that help youth offenders reenter the workforce, and/or attend postsecondary education or career and technical training programs.

Performance Measure:

<table>
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<tr>
<th>Indicator</th>
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<tr>
<td>Indicator A</td>
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</tbody>
</table>
**GOAL 4:** Collaborate with agencies (i.e. BIA, tribes, DOJ, Indian Health Service) to ensure the requirements of IDEA are provided to BIE students with a disability who are considered neglected, delinquent or an at-risk student, who enter juvenile detention facilities and correctional facilities.

**Objectives:** (1) The BIE will work with juvenile detention facilities and correctional facilities to ensure students are provided a free appropriate public education provision (FAPE) and follow the federal regulations of the Least Restrictive Environment (LRE), child find and the development of IEPs.

**Performance Measure:**

| Indicator A | The BIE will revise and update existing interagency agreements to ensure juvenile detention facilities and correctional facilities develop appropriate intake procedures and coordinate effectively with BIE LEAs to expedite the provision of special education and related services required to meet a youth’s needs. |
| Indicator B | The BIE will develop guidance and provide technical assistance to both correctional agencies and LEAs regarding the provision of FAPE and the development of IEPs. |
| Indicator C | |
| Indicator D | |
| Indicator E | |

**GOAL 5:** To determine the effectiveness of the educational programs within the BIE for neglected, delinquent and at-risk students.

**Objectives:** (1) The BIE will collect student data for neglected, delinquent and at-risk students for the Consolidated State Performance Report (CSPR). (2) The BIE will require its LEAs to provide pre/post reading and mathematics assessments of neglected, delinquent and at-risk students.

**Performance Measure:** The BIE funded LEA’s will show improvement for neglected, delinquent and at-risk students as measured by approved and valid data submitted to the BIE for the Comprehensive School Performance Report in the following areas:

| Indicator A | Improve Reading achievement by 5% or _______%? |
| Indicator B | Improve Math achievement by 5% or _______%? |
| Indicator C | Improve acquisition of high school diploma or a GED by 1% or _______%? |
| Indicator D | Improve accrual of credits by 3% or _______%? |
| Indicator E | Improve transition services by 3% or _______%? |

Stakeholder input is welcome into the above program objectives and outcomes.
D. Title II, Part A: Supporting Effective Instruction

1. Use of Funds (ESEA section 2101(d)(2)(A) and (D)): Describe how the State educational agency will use Title II, Part A funds received under Title II, Part A for State-level activities described in section 2101(c), including how the activities are expected to improve student achievement.

**BIE Comment** – Provide support to staff within the Associate Deputy Directors offices, Educational Resource Centers and schools to produce a school-wide comprehensive reform plan designed to advance the entire education program with Title funding by:

- Conducting a comprehensive needs assessment.
- Identifying and commit to specific goals and strategies that address those needs.
- Creating an effective comprehensive plan.
- Conducting an annual review of the effectiveness of the schoolwide program and revise plan as necessary.

Provide guidance and support on how funding can be used to support their school's individual needs by providing a yearly Bureau of Indian Education (BIE) Title Conference. This meeting would be held annually in October or March. The BIE has a high turnover of staff in a majority of our schools and this conference would ensure schools are given guidance on allowable costs and inform on effective strategies at the school (LEA) level to improve student achievement. SEA/DPA will create a Title Handbook. Provide targeted professional development to strengthening school leadership by creating a Principal’s Academy to improve student achievement. The BIE will develop an academy that will focus on the principal’s role in leadership capacity, achieving learning goals and improving instruction. The role of an instructional leader is to ensure everyone understands the mission, goals and their roles in achieving those goals. If principals model and communicate effectively to school staff it will show commitment, discipline, and thoughtfulness in carrying out a well thought-out plan to implement sound practices to improve student outcomes. The BIE utilizes a method of tracking support given to schools in technical support, progress monitoring, compliance reviews, and corrective action. (Native Star: Smart Goals, Program Plan…..) Each school will have a folder tracking support given by ERCs, ADDs and DPA.

2. Use of Funds to Improve Equitable Access to Teachers in Title I, Part A Schools (ESEA section 2101(d)(2)(E)): If an SEA plans to use Title II, Part A funds to improve equitable access to effective teachers, consistent with ESEA section 1111(g)(1)(B), describe how such funds will be used for this purpose.

**BIE Comment** – States have avenues open for distributed learning opportunities. Open for all licensed personnel.

To guarantee all students have equal access to excellent educators the BIE could consider setting aside funds to connect and leverage existing initiatives and resources. BIE could establish professional learning systems that include culturally responsive practices, are job embedded and sustained, are driven by data, and are aligned with Common Core Standards.

Improve human capital management by developing stronger human capital and management policies (recruitment, hiring, and retention) that support recruitment and retention of culturally diverse educators:

- Develop career pathways that support teacher leadership and advancement opportunities while remaining in the classroom
- Encourage and support educator-led professional learning efforts
- Implement a survey to capture educators’ perceptions of teaching and working conditions including recruitment and retention, school culture and student learning.
Convene a team of school-based specialists, state educator preparation organization and community-based organizations to guide development, improvement, and accountability of culturally responsive and sustaining curriculum, pedagogy and practices:

- Identify a professional learning framework inclusive of topics needing to be shared BIE-wide
- Support Teachers on Special Assignment (TOSA), professional facilitators, administrators, and partnerships with exemplary educator preparation program
- Develop a strategy for recognizing exemplary programs
- to encourage others to replicate successes
- Develop success metrics and sharing annual progress reports
- Develop stronger feedback loops between those who
- Prepare educators and those who hire educators.

3. **System of Certification and Licensing (ESEA section 2101(d)(2)(B))**: Describe the State’s system of certification and licensing of teachers, principals, or other school leaders.

**BIE Comment** – Unlike states, the BIE does not have a system of certification and licensing of teachers, principals, or other school leaders, per se. BIE’s qualifications for educators are governed by federal regulations. In accordance with C.F.R. 25 § 38.5, the BIE must implement the following regulation.

§ 38.5 Qualifications for educators.

(a) **Qualifications related to positions.** Job qualification requirements shall be at least equivalent to those established by the appropriate licensing and certification authorities of the State in which the position is located.

(b) **Qualifications related to individuals.** An applicant for an education position must establish that he/she meets the requirements of the position by submitting an application and a college transcript, as appropriate, to the local school supervisor, Agency Superintendent for Education (ASE), Area Education Programs Administrator (AEPA), or Director and appearing for an interview if requested by the official involved. The applicant's education and experience will be subject to verification by the ASE or the AEPA. Employees who falsify experience and employment history may be subject to disciplinary action or discharge from the position to which he/she is appointed.

(1) School boards may waive formal education and State certification requirements for tribal members who are hired to teach tribal culture and language.

(2) Tribal members appointed under this waiver may not have their basic pay rate set higher than the rate paid to qualified educators in teaching positions at that school.

(c) **Identification of qualified individuals.** The Director shall require each ASE, AEPA, and other appropriate local official in the education program organization to maintain lists of qualified and interviewed applicants for each of the kinds of established positions. Applications on file shall be purged annually. Applicants whose qualifications are established and who indicate an interest in working in specified locations will be included on those local applicant lists. The Director shall maintain a national list of qualified applicants for each of the kinds of positions established. Applicants whose qualifications are established and who either do not indicate an interest in a specific location or indicate an interest in working in any location will be entered on the national list. The national list is a secondary source of applicants.
(d) Special recruitment and training for Indian educators. The Director shall review annually the Bureau's “Recruitment of Indian Educators Program” and update as necessary. The Director will define individual training plans for trainees and subsequent promotional opportunities for advancement based upon satisfactory job performance in this program.\textsuperscript{25}

Item a, Qualifications related to positions, indicates that “the appropriate licensing and certification authorities of the State in which the position is located” shall be used. In other words, state licensing and certification requirements apply to educators in schools located in each of the BIE’s respective 23 states.

However, an Acting BIE Director recently revised the hiring qualifications to be used in hiring education positions in 2016. The April 29, 2016 memorandum reads:

BIE shall accept state licensing (e.g., teacher and school administrator) from a state the is equivalent to any state where a BIE-operated school is located…\textsuperscript{26}

Essentially, a system of reciprocity was established whereby education personnel could be hired in the BIE using the credentials issued by another state with reciprocity as a rationale.

4. Improving Skills of Educators (ESEA section 2101(d)(2)(J)): Describe how the SEA will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs, particularly children with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

\textbf{BIE Comment} – Make recommendations or create a document with tools that can be used to identify students with specific learning needs (e.g., Child Find /504/NWEA), English learners (e.g., WIDA), gifted and talented (e.g., SAGES 2), students with disabilities. By identifying such specific learning needs, schools will be able to provide instruction based on those needs by focusing on early literacy skills in the primary grades by training K-3 teachers to increase teacher knowledge of research based principles of reading development, reading differences, and reading instruction (e.g., LETRs, Cued Articulation, etc.). Provide professional development in Multi-Tiered System of Support for improving learning outcomes for every student through a layered continuum of evidence-based practices and systems. Improve capacities of school leaders to improve teacher effectiveness, curriculums and data analysis (Principal Academy). Recruit and retain effective educators (e.g., Title Conference, using Title II funding). Require or recommend schools to hire instructional leader(s) that are deeply involved with all aspects of instruction and focus on learning for both students and instructional staff. Quality of instruction is the top priority for instructional leaders, so leaders make adult learning a priority, set high expectations for performance, and creates a culture of continuous learning within their schools. The work of an instructional leader is to ensure that every student receives the highest quality of instruction each day.

BIE could consider building a BIE-wide infrastructure (e.g., Teacher and/or Leadership Academy) for on-line professional development with professional learning modules that support teacher and administrator communities and school improvement efforts. Modules could include topics, such as school

\textsuperscript{25} 25 C.F.R § 38.5, Qualifications for educators. Available at: https://www.law.cornell.edu/cfr/text/25/38.5. See also, 25 C.F.R § 38.4, Education Positions. Available at: https://www.law.cornell.edu/cfr/text/25/38.4.

improvement processes, gifted and talented education, special education, Common Core State Standards (CCSS), early childhood education, the reading process, integration of technology into instruction, and math processes, deconstructing standards, writing unit plans, and more.

Develop a principal mentorship program that includes a series of ongoing skill development for principals in a series of modules provided at a regional level. The professional development would tie to the principal mentorship program.

A resource library could be established that supports educators with test sample items, lesson plan templates, ELA guidebook, classroom support toolbox, K-12 math planning resources, information for teachers, and more.

A “blog page” could be established so educators can share information and network.

BIE could reinstitute “BIE Teacher of the Year” and “BIE Principal of the Year.”

BIE could consider establishing Teacher and Principal mentoring programs.

BIE could re-establish a Summer Institute/Academy to improve the skills of teachers and administrators.

Create a strong focus on identifying, collecting, and analyzing specific educator skill-building data, to drive all initiatives which directly target enhancement of content knowledge/use and pedagogical application of teachers, principals, and other key school leaders, that have a direct impact on positively improving the academic growth of students. Principals and school leaders will lead the identification of the specific data and facilitate the collection of and analysis of the specific educator skill building target as based on the data used. Viable data can come from Student Assessment Data (PARCC, SBAC, & NWEA), NWEA percentile data with RIT scores data to identify targeted teaching based on the Learning Continuum in relation to what content and skills teachers will need to be fully competent in instructing, possibly with simultaneous support and professional development during the instruction by educators. Formative assessment data will also be used in conjunction of the lesson delivery to make adjustments to instruction (e.g., adjustments to learning groups, lesson delivery, strategies for teaching, and adjustment to assessment(s)).

Specific data that is collected for the purpose of supporting Improving skills of Educators will also be viable and relevant to the school improvement process at schools. Focused data relevant to Improving Skills of Educators will become part of the foundational data, within or in addition to the four measures of data, used to develop the current School-wide Program Plan as outlined in Native Star and/or in related school improvement systems. The focused Improving Skills of Educators (ISOE) data will provide a vehicle for school leaders and their leadership teams to identify the most effective strategies and measures, which is supported and justified by their school budgets, to have the most significant favorable impact to student academic growth as well as positively affecting educator professional practice, content building, and pedagogy. Using data to drive school improvement initiatives on precise levels is the purpose of these actions.

5. **Data and Consultation** *(ESEA section 2101(d)(2)(K))*: Describe how the State will use data and ongoing consultation as described in ESEA section 2102(d)(3) to continually update and improve the activities supported under Title II, Part A.

**BIE Comment** – The Bureau of Indian Education is required to engage with its stakeholders, primarily Indian tribes and tribal communities, on an ongoing basis under Executive Order 13175 and Secretarial Order 3317. These orders outline the conditions under which tribal consultation and negotiated
rulemaking occur in addition to outreach required by statutes such as the Every Student Succeeds Act, ESSA. Consequently, the BIE expects to continue engaging formal and informal tribal consultation into the foreseeable future. Inasmuch as the BIE’s implementation of ESSA and the agency’s creation of a state plan will be discussed, so, too, will be the Title II programmatic activities.

The use of data in Title II activities falls into two areas: performance data and the tracking of professional development. The use of student and even educator performance data is an integral part of the accountability system. As any good accountability system does, the outcomes based on students’ performance to some degree mirror the capacity of the school to educate them. One major consequence of examining student performance data is the purchase it provides over the success educators are having with their students.

Therefore, using the indicators of the accountability system to drive professional development engagement at the school is important to the success of any Title II program. The BIE’s proposed accountability system will generate not only a determination based upon an accountability index, but also explicit scores that are the basis for accountability calculations. Schools will be expected to devote time to understanding their accountability determinations and the components that comprise them such that they can make recommendations to their educators as to what professional development opportunities stand the best chance of improving students’ performance.

This leads to a discussion of tracking professional development. As background, the BIE does not stand as a single, unified educational system. Approximately 2/3 of the schools funded by the BIE are operated by tribes. The remaining 1/3 fall under federal control. This means that the BIE only has direct authority over 1/3 of all the educators hired to work in BIE-funded schools, with tribes have authority over the remainder.

Systems for human resources, information technology, contracting, facilities, and other areas can only be extended by the BIE to federally-operated schools except under specific circumstances. One of these circumstances concerns training. The system for tracking training used by the BIE is owned by the U.S. Department of the Interior (DOI), and is called DOI Learn. DOI Learn tracks the mandatory training required of all BIE educators as well as the training required of all federal employees within DOI. Not all training is tracked through DOI Learn as educators in tribally-controlled schools are only required to take specific training using this system.

The BIE advocates using DOI Learn to track all professional development for BIE employees and making the same system available for tracking the professional development of employees in tribally-controlled schools. Presently, the BIE does not consistently use DOI Learn for this purpose.

Using DOI Learn to track professional development bureau-wide will provide decision-makers with a plethora of data. In the short term, the BIE can evaluate which professional development opportunities are popular with educators and respond accordingly, making additional opportunities available. Over the long term, the BIE can begin to evaluate the effectiveness of the training by using statistics on educators’ participation in professional development opportunities to establish correlations with schools’ performance on accountability system indicators.

6. **Teacher Preparation (ESEA section 2101(d)(2)(M))**: Describe the actions the State may take to improve preparation programs and strengthen support for teachers, principals, or other school leaders based on the needs of the State, as identified by the SEA.
**BIE Comment** – Provide support in giving direction on how schools can use their Title II funding to support paraprofessionals in obtaining their teaching certification. Initiate a “grow your own” Teacher to Principal initiative. BIE is currently paying the cost of obtaining National Board Certified for teachers.
E. Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement

1. **Entrance and Exit Procedures** *(ESEA section 3113(b)(2))*: Describe how the SEA will establish and implement, with timely and meaningful consultation with LEAs representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

**BIE Comment** – The BIE represent sections in state plans where EL accountability components have been identified. The BIE EL accountability components describe the Entrance and Exit Procedures so each identified student will receive additional support in the English language to be prepared to effectively learn materials taught in English in academic content areas.

2. **SEA Support for English Learner Progress** *(ESEA section 3113(b)(6))*: Describe how the SEA will assist eligible entities in meeting:
   - The State-designed long-term goals established under ESEA section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State’s English language proficiency assessments under ESEA section 1111(b)(2)(G); and
   - The challenging State academic standards.

**BIE Comment** – The Bureau of Indian Funded Schools does not receive Title III Funds; however, the schools are entitled to receive ISEP (Department of Interior funding under Indian School Equalization Program). The LEAs can use ISEP funds to implement Language Development programs that demonstrate the positive effects of Native language programs on students’ academic success and English proficiency [25 C.F.R § 39.130 –Language Development Program]. The BIE Language Development Program serves students who either: (a) Are not-proficient in spoken or written English (b) Are not proficient in any language (c) Are learning their Native language for the purpose of maintenance or language restoration and enhancement (d) Are being instructed in their Native language; or (e) Are learning non-language subjects in their Native language [25 C.F.R. § 39.131]. The BIE/DPA will support and monitor the Language Development Program (a) and (b) criteria that relate to the English Learners. The BIE/DPA will support the following activities as described in the 25 C.F.R § 39.130 –Language Development Program: Integration of Language Development Program into its regular instructional program; acknowledgement how the tribal governing bodies or local school boards decide how their funds will be used in the instructional program to meet the needs of their students; identification of student as EL (formerly LEP) by a nationally recognized scientifically research-based text; ensure that schools must provide services that assist each EL to become proficient in English and meet the same challenging academic content and student academic achievement standards that all students are expected to meet.

3. **Monitoring and Technical Assistance** *(ESEA section 3113(b)(8))*: Describe:
   - How the SEA will monitor the progress of each eligible entity receiving a Title III, Part A subgrant in helping English learners achieve English proficiency; and
   - The steps the SEA will take to further assist eligible entities if the strategies funded under Title III, Part A are not effective, such as providing technical assistance and modifying such strategies.

**BIE Comment** – The BIE/DPA monitors its Title III-funded LEAs' progress in helping English learners achieve English proficiency by annually compiling data from the state/BIE-generated Northwest
Evaluation Association (NWEA) language proficiency growth data not only for the required grades of 3-8 and one high school year, but for all English learners in grades 1-12. In addition, beginning in 2018 LEAs/schools will each continue to complete a Comprehensive Needs Assessment that will guide them in determining and addressing the academic needs of each subgroup in its student population. These data-determined needs will inform LEAs'/schools’ federal program plans and will be a component of each LEA's/school’s consolidated application for federal funds. Thus, EL progress in English proficiency is monitored by the BIE/DPA in four ways: annually, in reviewing all LEAs'/schools’ NWEA report (progress toward proficiency on the English language proficiency assessment), reviewing of local/school plans developed to support requests for Title III allocations, and the reviewing of each LEA's/school’s Comprehensive Needs Assessment. In addition, Title III staff monitors approximately one-fourth of the state's/BIE’s school systems each year to support and ensure compliance with the intent and purposes of Title III law.

Should LEA/school strategies for supporting their English learners prove ineffective, support is provided from a collaborative working group comprised of cross-program staff at the BIE/DPA. These staff experts in content instruction, English for Speakers of Other Languages, school improvement, teacher effectiveness and Title I programs incorporate resources into the development of curricula and program recommendations to improve English learner achievement at either the school level. Strong focus is placed on improving or expanding LEAs' EL-related professional development, ESOL certification efforts, parent and family engagement, literacy and instructional technology resources, and efforts to identify and serve English learners at the pre-school levels. Technical assistance is provided locally, regionally and at BIE workshop/webinars and via periodic on-site visits as on-demand from LEAs/schools. The BIE will support schools in their EL progress monitoring efforts and assist in root cause analyses which will lead to better identification of appropriate and effective language instruction educational programs that target the unique needs that each LEA's/school’s English learner population present. These school-specific analyses will aid the BIE in determining LEA/school needs should it become necessary to guide systems into modifying their instructional strategy or delivery models. Special support is provided for LEA/school members of the BIE’s group of schools that serve ELs, but not in numbers large enough to qualify for a Title III allocation independently. The needs of these often rural, low-incidence EL schools differ widely from those schools located in a more metropolitan area. For this reason, regional Title III staff are available to provide on-site, localized support and guidance as well as assist in determining BIE school-wide needs to be addressed at a BIE-specific technical assistance meeting.
F. Title IV, Part A: Student Support and Academic Enrichment Grants

Use of Funds (ESEA section 4103(c)(2)(A)): Describe how the SEA will use funds received under Title IV, Part A, Subpart 1 for State-level activities.

BIE Comment – The BIE will use any funds for state-level activities received under Title IV, Part A, Subpart I to support schools in addressing the needs of students as permitted by the requirements of this section. Permitted state-level uses of Title IV, Part A funds support identified priorities throughout the BIE’s ESSA application. For example, various school administrators and staff from tribally controlled schools have suggested the potential usefulness of school climate survey data for educators in understanding the context of student success. Accordingly, a portion of state Title IV, Part A funds will be used to support the piloting of school climate surveys. Piloting such surveys will help the BIE understand their usefulness for informing school improvement initiatives and may support the development of future additional measures of school quality and student success.

Additionally, BIE Title IV, Part A funds may be used to support the following activities (subject to funding availability):

- Identifying approved evidence-based strategies on the effective use of technology.
- Supporting schools with activities and resources related to curriculum alignment.
- Reimbursement for advanced coursework (e.g., Advanced Placement assessments)
- Other related priority activities to support school improvement initiatives.

1. Awarding Subgrants (ESEA section 4103(c)(2)(B)): Describe how the SEA will ensure that awards made to LEAs under Title IV, Part A, Subpart 1 are in amounts that are consistent with ESEA section 4105(a)(2).

BIE Comment – The following are key features of the manner in which the BIE will ensure that awards made to schools under Title IV, Part A, and Subpart 1 are in amounts consistent with ESEA requirements:

All BIE schools may apply for consideration to receive Title IV, Part A awards.

- The BIE will ensure that each school submitting an application for Title IV, Part A funds for the 2017-2018 school year describes the school’s needs and plans for using such funds in accordance with ESEA.
- Each applicant will be required to demonstrate how proposed uses of funds are integrated with the applicant’s improvement plan and in coordination with other federal improvement funds.
- Each applicant will be required to satisfy all federally mandated assurances.
- The BIE will review and approve applications for award consideration.
- Among other factors, the BIE may prioritize the lowest performing schools in determining the number of sub awards and the amounts.
- In accordance with ESEA section 4105(a)(2), the BIE will ensure that school sub grants are not less than $10,000. Depending on the number and amounts of sub awards, the BIE may ratably reduce sub awards according to 4105(b) to ensure each sub award is at least $10,000.
- The 2017-2018 school years Title IV, Part A sub grants will be for a term of one year.
G. Title IV, Part B: 21st Century Community Learning Centers

1. **Use of Funds** *(ESEA section 4203(a)(2))*: Describe how the SEA will use funds received under the 21st Century Community Learning Centers program, including funds reserved for State-level activities.

**BIE Comment** – The BIE will use 21st Century Community Learning Center funds to:

- Provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet the challenging State academic standards;
- Offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and
- Offer support opportunities for families of students served by community learning centers for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.

Through this program, the Bureau of Indian Education (BIE) funded schools and dormitories receive grants that enable them – to plan, implement, or expand projects that benefit the educational, health, social, cultural and recreational needs of the students and community.

A 21st CCLC is a program within a BIE elementary, middle or secondary school system that:

(1) is operated by a Local Educational Agency (LEA), which provides services in a school or dormitory that is eligible for and receives Indian Student Equalization Program (ISEP) funding from the BIE; and

(2) provides educational enrichment, recreational, health, and social service programs for students and their families in collaboration with a wide range of community stakeholders, including but not limited to Tribal organizations, local governmental agencies; businesses; vocational education programs; institutions of higher education; community colleges; and cultural, recreational, and other community and human service entities.

Centers shall be located in a BIE elementary, middle or secondary school/dormitory facility.

**GRANT PERIOD**
The grant period is three years, subject to grantee’s ability to meet grant goals, and compliance with all grant requirements.

**SIZE OF GRANTS**
The minimum grant award is $50,000 per year. The range of awards will vary depending on the number of students to be served. The BIE reserves the right to award a smaller or larger amount of grant funds than requested and to make programmatic focus changes to a grant award if deemed necessary. All grantees will be involved in fiscal and programmatic change discussions prior to acceptance and implementation.

**NUMBER OF GRANTS**
The BIE estimates awarding approximately 50-70 grants.
STATUTORY/REGULATORY CONDITIONS
Federal grant funds may not be used to support or replace local activities that had been funded with state or local funds during the prior year (supplanting). All awards are subject to the non-supplanting and restricted rate requirements of 34CFR 76.563. All funds will be awarded according to the conditions of this Request for Application (RFA). Non-regulatory Guidance can be found at:

2. Awarding Subgrants (ESEA section 4203(a)(4)): Describe the procedures and criteria the SEA will use for reviewing applications and awarding 21st Century Community Learning Centers funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards.

BIE Comment – Below are described the procedures and criteria the SEA will use for reviewing applications and awarding grants.

GENERAL APPLICATION PROCESS
BIE Local Education Agencies (LEAs) and dormitories that receive Indian Student Equalization Program (ISEP) funding from the BIE are eligible to receive 21st CCLC grants. BIE will make efforts to ensure equity in geographic distribution. All BIE LEAs operate schoolwide programs, therefore, applicants will demonstrate alignment between the schoolwide program and the 21st CCLC programs.

The legislation contains several provisions to emphasize the need for collaboration within communities. Section 4204(b)(2)(H) of the statute requires LEAs that apply for local grants to provide a description of the partnership between the LEA, a Community Based Organization (CBO), and other public or private organizations, if appropriate. In addition, Section 4204(i)(1)(B) requires that State Education Agencies (SEAs) give priority to applications submitted jointly by an LEA receiving Title I funds and a CBO or other agency proposing to serve students in schools in need of improvement under section 1111. SEAs must provide the same priority to LEAs that are in need of improvement but demonstrate an inability to partner with a CBO within reasonable geographic proximity and of sufficient quality.

APPLICATION AND AWARD PROCEDURES
Webinars will be provided regarding the processes and procedures used in applying for the discretionary grant are offered. The application includes the application process and section by section information about completing each element of the application.

The BIE will screen all applications for eligibility (time deadline, meet eligibility requirements, etc.) prior to submitting applications to a panel of reviewer’s for scoring. A panel of qualified peer reviewers will be selected to review and score the grant applications.

Grants will be awarded for 3 years. Training and technical assistance will be offered throughout the year to support both effective grant management and high-quality program quality evaluation.

Applicants receive notification of their award status. They are also informed of the due process complaint procedure.

SUBGRANT PRIORITIES
Competitive priorities may include measurable objectives in 1)STEM, 2) College, Career, and Military Readiness, 3) serving middle and high schools that partner with business, industry and/or post-secondary providers to offer workplace an internship experiences, 4) fine and performing arts, project-based
learning, and social emotional learning as part of well-rounded education framework, and 5) evidence-based family engagement activities.

Priorities will create collaboration both at the state level to provide purpose and support to subgrantees and at the local level to diversity partnership conversations and opportunities.
H. Title V, Part B, Subpart 2: Rural and Low-Income School Program

1. Outcomes and Objectives (ESEA section 5223(b)(1)): Provide information on program objectives and outcomes for activities under Title V, Part B, Subpart 2, including how the SEA will use funds to help all students meet the challenging State academic standards.

BIE Comment – The Rural and Low Income Schools (RLIS) Program provides flexibility for LEAs to use grant funding to supplement the funding they receive under the various ESSA programs. Eighty-four percent (148 of 176) of the BIE-funded schools meet the eligibility requirements to receive RLIS grant funding which can be used for activities authorized under Title I Part A, Title II Part A, Title III, Title IV Part A and for parental involvement activities. As grant funds are to be used based on a Comprehensive Needs Assessment completed by all BIE-funded schools, the BIE’s measurable goals and objectives for this program will be used for the specific set of activities the LEA has opted to implement. LEAs will be required to use the RLIS funds to support the Title Program(s) they have selected. Therefore, the measurable program objectives will be aligned with the specific Title program(s).

<table>
<thead>
<tr>
<th>Use of Funds</th>
<th>Program Objectives and Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title I Part A</td>
<td>Academic Achievement goals and measures of interim progress under Section 1.*</td>
</tr>
<tr>
<td>Title II Part A</td>
<td>Rates that students in all BIE schools are taught by highly effective, within field, and experienced teachers in equal proportions across the BIE system.</td>
</tr>
<tr>
<td>Title III</td>
<td>English Language Proficiency goals and measures of interim progress under Section 1.*</td>
</tr>
<tr>
<td>Title IV Part A</td>
<td>Academic Achievement goals and measures of interim progress under Section 1.*</td>
</tr>
<tr>
<td>Parental Involvement</td>
<td>Academic Achievement goals and measures of interim progress under Section 1.*</td>
</tr>
</tbody>
</table>

*To be determined following negotiated rulemaking.

2. Technical Assistance (ESEA section 5223(b)(3)): Describe how the SEA will provide technical assistance to eligible LEAs to help such agencies implement the activities described in ESEA section 5222.

BIE Comment – All but 28 of the 176 (16%) BIE-funded schools are eligible to receive RLIS grant funding. BIE will provide technical assistance to all BIE-funded schools to develop local plans for the use of funds consistent with ESEA section 5222(a), that may include activities authorized under Title I, Part A; Title II, Part A; Title III; Title IV, Part A; and parental involvement. Technical assistance will include support for grant programmatic and fiscal application processes; coordination with applicable allowable program areas; support for LEAs regarding effective uses of funds and promising practices.

Technical assistance, services and support may be provided by the BIE through a combination of face-to-face (conferences, workshops, meetings) and virtual (webinars, online courses, phone conferences) trainings.
I. Education for Homeless Children and Youth program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B

1. Student Identification (722(g)(1)(B) of the McKinney-Vento Act): Describe the procedures the SEA will use to identify homeless children and youth in the State and to assess their needs.

*BIE Comment* – Children and youth who are in a homeless situation face extreme challenges and adversities as a result of their situation. The Bureau of Indian Education (BIE) has developed processes and procedures to ensure that homeless children and youth have equal access to the same free, appropriate, and quality education, which includes preschool education, as other children and youth in the BIE.

The Bureau of Indian Education’s (BIE) State Educational Agency (SEA) and Local Education Agencies (LEAs) must identify, revise and remove any policies and practices that serve as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths. Therefore, the BIE will provide sample policies, resources, and documents to assist with the identification process. The following lists items to assist with the identification process:

a. Residency Verification Document
b. Homeless Liaison Contact list
c. Webinar trainings provided by the State Coordinator to LEAs
d. Educational Rights Posters for parents and youth provided by the National Center for Homeless Education (NCHE) to post in areas where the information is accessible by individuals experiencing homelessness.
e. BIE MCV website provides resources and webinar trainings for BIE Homeless Liaisons.

Assist schools with policy development and identification process by reviewing the definition of homeless and how this definition can be applied to our Native American communities. The BIE also provides technical assistance on the identification process, while being culturally sensitive to community norms and traditions. Also, create a statewide working group that reviews policies and procedures within the BIE to address the needs that are specific to students who are experiencing homelessness within the BIE.

2. Dispute Resolution (722(g)(1)(C) of the McKinney-Vento Act): Describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

*BIE Comment* – The BIE will have the dispute resolution policy developed and approved in the near future. Establish a working group that will assist with the development of a formal dispute resolution policy and procedures. Currently, the LEA liaisons receive disputes regarding school of origin or decisions made regarding homeless children and youth. The liaison contacts the BIE MCV State Coordinator who provides technical assistance in addressing the dispute. A sample dispute policy template will be developed to assist schools with their policy and including timelines and decision making on disputes

3. Support for School Personnel (722(g)(1)(D) of the McKinney-Vento Act): Describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of
such school personnel of the specific needs of homeless children and youth, including runaway and homeless children and youth.

**BIE Comment** – The school personnel in the BIE need continued education on understanding the challenges homeless children and youth face in comparison to other students. To heighten the awareness among school personnel the BIE State Coordinator has provided regular webinar trainings, provided resources on the BIE website, and seeks partners to assist with the education of school personnel. The BIE has shared and contributed to resources provided by the National Center on Homeless Education (NCHE).

In all the training that is provided, social and cultural competence is critical. Specific Native American demographic requires specific competency to comprehend the necessary cultural understanding and misunderstandings to avoid stereotyping and bias. Cultural competence includes skills that are based upon understanding of cultural, geographical, historical, linguistic, and political needs and situations. Also, cultural competence is specific to each school and its demographic based on location and positionality. In the area of social competence, identify the social competence needed to interact and understand the homeless and Native American demographic and the dynamic of why homelessness exists. Social competence is necessary for homeless liaisons, administrators, faculty and staff, but also for homeless students, parents, and families.

4. **Access to Services** *(722(g)(1)(F) of the McKinney-Vento Act)*: Describe procedures that ensure that:
   
   i. Homeless children have access to public preschool programs, administered by the SEA or LEA, as provided to other children in the State;
   
   ii. Homeless youth and youth separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youth described in this clause from receiving appropriate credit for full or partial course work satisfactorily completed while attending a prior school, in accordance with State, local, and school policies; and
   
   iii. Homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels.

**BIE Comment** – The BIE serves 183 schools in 23 states. To address enrollment issues faced by homeless children and youth, the BIE will utilize the Native American Student Information System (NASIS) and coordinate between schools through homeless liaisons. If a student transferred from a BIE school to another, their records can be accessed through the NASIS system. In addition, homeless students are identified in the NASIS system, and if a student is transferring, the BIE School the student is transferring to will know if the student was identified as homeless in the previous school. However, if a student transfers outside the BIE, Liaison will coordinate with the District Liaison. The BIE adheres to the Family Educational Rights and Privacy Act, and records are kept in a safe location and transfer of records will follow the BIE transfer or record policy. BIE homeless liaisons are working and advocating with homeless students and their families to ensure their academic needs are being met. In addition, homeless liaisons are also coordinating with Federal, State, local and Tribal entities to assist these students. A working group will be identified to assist in establishing these processes and procedures. Also, the BIE will provide the following resources to inform schools on addressing enrollment barriers and providing accessibility to children and youth in a homeless situation:

   • ESSA-McKinney-Vento Legislation
• Non-Regulatory Guidance (March 2017)
• Collaborate with BIE FACE and Tribal Head Start programs to address the needs of pre-school students in a homeless situation
• Schools are addressing the needs of homeless students in their schoolwide plans and setting aside a portion of their Title IA funds to support this sub-group based on the school’s comprehensive needs assessment.
• Coordinate and collaborate with local state, community, and tribal colleges to support the needs of students in a homeless situation.

5. Strategies to Address Other Problems (722(g)(1)(H) of the McKinney-Vento Act): Provide strategies to address other problems with respect to the education of homeless children and youth, including problems resulting from enrollment delays that are caused by—
   i. requirements of immunization and other required health records;
   ii. residency requirements;
   iii. lack of birth certificates, school records, or other documentation;
   iv. guardianship issues; or
   v. uniform or dress code requirements.

**BIE Comment** – The BIE will establish a working grouping consisting of experienced Homeless Liaisons to provide solutions to address problems identified by Homeless Liaisons on their Evaluation Template which is submitted three times a year. Also, concerns brought to the attention of the BIE State Coordinator will be logged and brought to the attention of the working group. This working group will review policies and procedures and ensure that they are culturally sensitive to the needs of homeless students, parents, families and communities within the BIE. In addition, on site monitoring will review the school’s homeless policy, homeless liaison’s duties, identification of a plan to support homeless students in the Schoolwide Plan, and how Title IA set asides are being budgeted and utilized. Moreover, provide continuous training and dissemination of resources on McKinney-Vento legislation, duties of Homeless Liaisons, and webinars on topics related to identification, school records, guardianship issues, and school of origin.

6. Policies to Remove Barriers (722(g)(1)(I) of the McKinney-Vento Act): Demonstrate that the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

**BIE Comment** – The BIE will establish a working grouping consisting of experienced Homeless Liaisons who will assist with the review and revision of policies to remove barriers to the identification, enrollment and retention, and barriers due to absences. This group will assist in developing a policy template for BIE schools. Barriers will be identified by case-by-case situations brought to the attention of the BIE State Coordinator, findings from on-site monitoring, and lack of identification of homeless students in the NASIS system.

7. Assistance from Counselors (722(g)(1)(K)) of the McKinney-Vento Act: A description of how youths described in section 725(2) will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.
**BIE Comment** – Youths described in section 725(2) will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college through the following means:

- Counselors are encouraged to attend the National Association for the Education of Homeless Children and Youth (NAECHY) annual conference
- The BIE State Coordinator will provide training to Homeless Liaisons and school counselors in preparing homeless student for college or postsecondary education.
- Provide training to counselors or webinars on various resources, institutions, organizations providing scholarships, summer programs, and higher education preparation opportunities for students in a homeless situation.
- Provide trainings to counselors on how they can use Title IA Homeless set-asides to assist with providing on-site training for students and their parents in college preparation, FAFSA, and assist with testing fees (ACT/SAT).

[Appendix: Dispute Form]
Appendix A: Measurements of interim progress

Instructions: Each SEA must include the measurements of interim progress toward meeting the long-term goals for academic achievement, graduation rates, and English language proficiency, set forth in the State’s response to Title I, Part A question 4.iii, for all students and separately for each subgroup of students, including those listed in response to question 4.i.a. of this document. For academic achievement and graduation rates, the State’s measurements of interim progress must take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps.

Note: Following the completion of negotiated rulemaking, the measurements of interim progress toward meeting the long-term goals for academic achievement, graduation rates, and English language proficiency will be determined.

Stakeholder input into this topic is welcome.

A. Academic Achievement

B. Graduation Rates

C. Progress in Achieving English Language Proficiency
The Bureau of Indian Education (BIE) invites input into

**ESSA State Plan**

**Background**

The Every Student Succeeds Act (ESSA) requires **states** to develop state plans. Previously, BIE submitted a consolidated state plan pursuant to the No Child Left Behind Act (NCLB) Act. The BIE NCLB consolidated state plan was subsequently referenced in three inter-agency agreements between the Department of the Interior, BIE and the Department of Education. Following the passage of ESSA, the BIE and the Department of Education met on December 8, 2016 to discuss whether BIE would draft and implement a new state plan pursuant to ESSA. During that meeting, Department of Education officials stated that an ESSA state plan is **optional** for the BIE. Following the meeting, BIE leadership determined that the BIE will develop an ESSA state plan. However, that plan will **not** undergo the peer review process required of states. The purpose of BIE’s state plan is to serve as a roadmap and internal guide to school improvement for BIE-funded schools.

**Negotiated Rulemaking Requirement**

A unique feature of BIE’s State Plan is the ESSA requirement that directs the Secretary of the Interior, in consultation with the Secretary of Education, if so requested, to use a negotiated rulemaking process to develop regulations for implementation of the Secretary of the Interior’s obligation to define the standards, assessments, and accountability system that will be utilized at BIE-funded schools. The regulations will be developed in a manner that considers the unique circumstances and needs of such schools and the students served by such schools. Some parts of BIE’s State plan are affected by the outcome of negotiated rulemaking, notably the standards, assessments, and accountability system. These key sections will be added to the State Plan once negotiated rulemaking is completed.

**BIE State Plan Draft**

The BIE State Plan will be updated periodically. It is posted at:

[https://www.bie.edu/ESSA/index.htm](https://www.bie.edu/ESSA/index.htm)

**Stakeholder Comments**

The BIE invites stakeholders to provide input in the State Plan. Comments may be submitted via email at stateplan@bie.edu. If you prefer, you may mail a hard copy of your responses to:

**ATTN: BIE ESSA State Plan**  
Bureau of Indian Education  
U.S. Department of the Interior  
1849 C Street NW, MS-3609-MIB  
Washington, DC 20240