

Attachments

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Appendix A – Attendees

Names	Organization	Attendance			
		25-Sep	26-Sep	27-Sep	
Non-Federal Committee					
Charles Cuny Jr.	Little Wound School Board	Yes	Yes	Yes	
Dr. Gloria Coats-Kitsopoulos	Oglala Sioux Tribe	Yes	Yes	Yes	
Leslie Harper	Leech Lake Band of Ojibwe	Yes	Yes	Yes	
Sherry Tubby	Mississippi Band of Choctaw Indians	Yes	Yes	Yes	
Ron Etheridge	Cherokee Nation of Oklahoma	Yes	Yes	Yes	
Michael Dabrieo	Santa Clara Pueblo	Yes	Yes	Yes	
Patricia Sandoval	Pueblo of Laguna	Yes	Yes	Yes	
Jennifer McLeod	Sault Ste. Marie Tribe of Chippewa	Yes	Yes	Yes	
Dr. Rick St. Germaine	Mille Lacs Band of Ojibwe	Yes	Yes	Yes	
Genevieve J. Jackson	Dine Bi Olta School Board Association, Inc.	Yes	Yes	Yes	
Dr. Amy D. McFarland	Chief Leschi Schools	Yes	Yes	Yes	
Frank No Runner	Northern Arapaho business Council	Yes	Yes	Yes	
Lucinda Campbell	Dine Grant Schools Association	Yes	Yes	Yes	
Federal Committee					
Regina Gilbert	Designated Federal Official (alt)	Yes	Yes	Yes	
Jeffrey Hamley	Bureau of Indian Education	Yes	Yes	Yes	
Jimmy Hastings	Bureau of Indian Education	Yes	Yes	Yes	
Lora Braucher	Bureau of Indian Education	Yes	Yes	Yes	
Brian Quint	Office of the Solicitor	Yes	Yes	Yes	
Sarah Palmer	Facilitator	Yes	Yes	Yes	
Members of the Public					
Cindy Fry	Paschal Sherman Indian School	Yes	Yes	Yes	
Juanita Mendoza	BIE	Yes	Yes	Yes	
Lisa Meissner	Hobbs Straus Dean and Walker	Yes	Yes	Yes	
Diana Zephier	Oglala Sioux Tribe, Pine Ridge, SD	Yes	Yes	Yes	
Jill Martin	U.S. Department of Education	Yes	Yes	Yes	
Laura Kolor	National Indian Education Association	Yes	Yes	Yes	
Ahniwake Rose	National Indian Education Association	Yes	Yes	Yes	
Adrienne Elliott	National Indian Education Association	Yes	Yes	Yes	
Deb Sigman	Center on Standards and Assessment Implementation (CSAI)		Yes		

EXPECTATIONS

- Move toward common ground
- CLEAR GOALS & UNDERSTANDING
- WORKING TOGETHER as ONE
- CLARITY
 - REFLECT THE BEST of WHO WE ARE & OUR STUDENTS
 - ACCOUNTABILITY for ALL STUDENTS
RESPONSIBILITY of BUREAU
 - CLARIFICATION of LAWS

EXPECTATIONS

- FAIR & EQUITABLE RESOURCES
- FRAMEWORK & STANDARDS
to INCORPORATE NATIVE LANG
GROWTH MODELS
- ALWAYS INCL A PATH for CHILD^N
& PARENTS VOICES
- START DIALOGUE to STREAMLINE
ASSESSMENTS (CULTURALLY RELEVANT)
- CLARITY ON WHAT WE ARE DOING
- FRAMEWORK, ROLES, OPPORTUNITIES
- FILL IN THE ROAD MAP

EXPECTATIONS

TREAT ALL THE SAME

- LEARN ABT WAIVERS ESP FOR ASSESSMENTS & WHAT DOES TECH. ASST. MEAN?
- BEGIN TO UNDERSTAND ASSESSMENTS
- CLEAR UNDERSTANDING & STND, ASSMT, ACCTN. & DIALOGUE

Appendix C – Committee Courtesies

Courtesies to Help Make the Meetings Productive

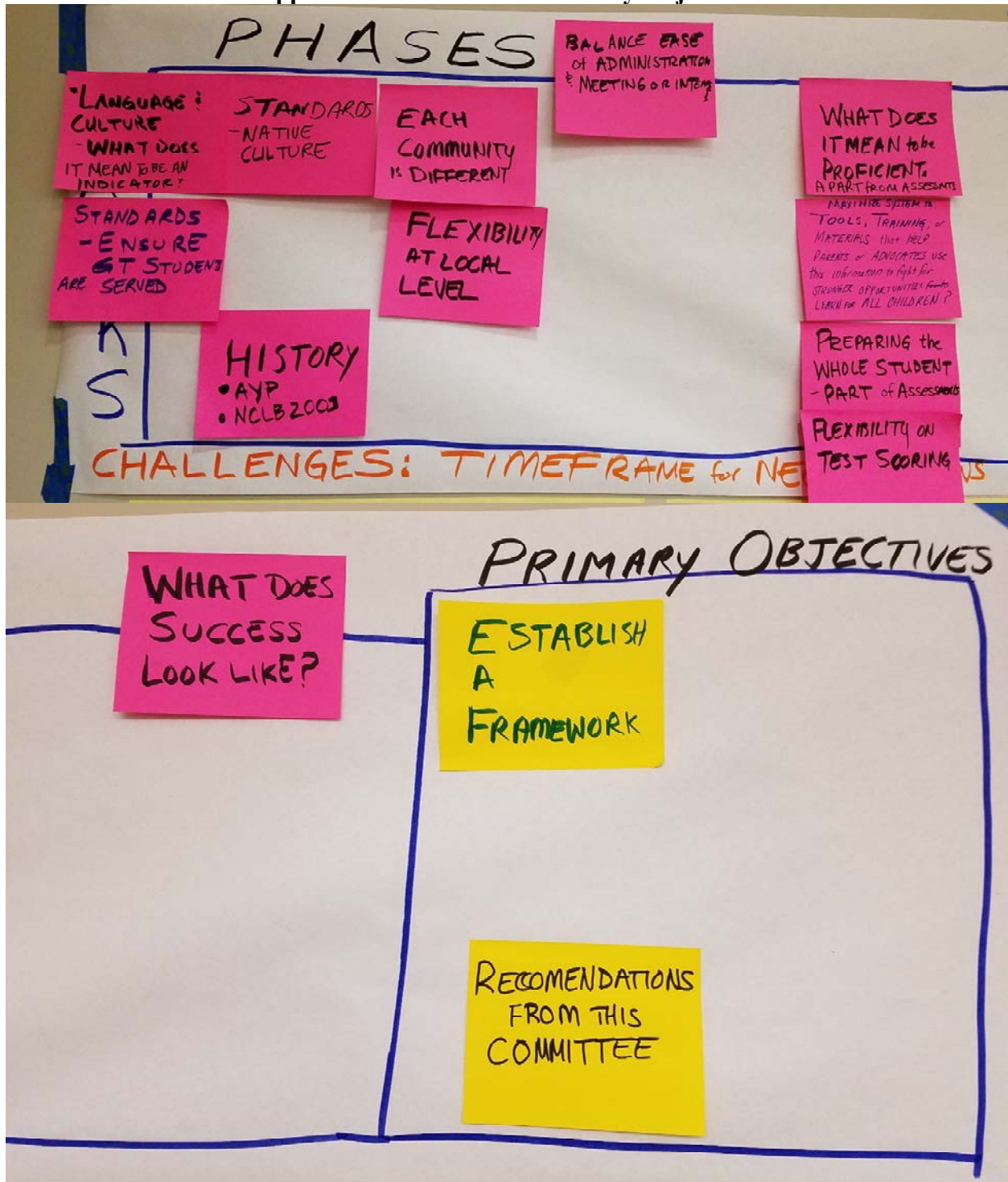
Proposed

1. Cell phones on vibrate. Step outside the room before answering.
2. Please be sure to read, and think about, materials that are distributed either between meetings, or on one day for consideration the next day of a meeting.
3. Please keep side bar discussions to a minimum. Feel free to call a caucus with anyone you wish, or simply excuse yourself from the room.
4. Audience members please do not whisper during Committee deliberations.
5. Meeting attendees who are not Committee members accept that the purpose of this meeting is to listen to different perspectives and interests shared during Committee deliberations and will not interrupt or interfere with the process.
6. Meeting attendees who are not Committee members will honor requests from the DFO and/or Facilitator

Groundrules for the Public and Observers

1. All attendees who are not Committee members will have an opportunity to provide written comments using the BIE email address: BIComments@bia.gov
2. There will be time at each meeting for spoken public comment. Commentors must sign up to make spoken public comments.
3. Spoken public comments will be allocated time based on the number of people who have signed up to make comments. Only one person may speak during each time slot. Time may not be transferred, shared, traded, or accumulated.
4. Speakers will use respectful language, and will refrain from personal attacks or threats.
5. Speakers will be allowed to comment without interruption during their allotted time so long as these guidelines are honored.

Appendix D – Committee Primary Objectives



Common Themes From Successful Negotiations

- Learn a lot
- Clear communication, clarifying the outcome
- Listening well
- Valuing , accountability, good people to call-give information
- Persuasion
- Respect
- Adults are hard...married to ideas
- Establish a shared vocabulary
- Good faith- commitment and intention to follow through
- Have a common objective, trust =listening, have own prejudices, listen with an open mind despite our biases
- Same information available to all
- All stakeholders present
- Know what is at stake, easier to put aside biases

What from these characteristics do we want to memorialize for our negotiation process?

Collaborative Action and Dispute
Resolution

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Appendix F – Challenges of Current Regulations Power Point

Challenges of Current Regulations


Negotiated Rulemaking Committee -
Standards, Assessments & Accountability System

September 25-27, 2018
Billings, MT



Challenges of a multipart accountability system

- The 23-part accountability system, including standards and assessments, adopted by the USDOT/BIE under NCLB and codified in 25 CFR 30 has been extremely problematic for the BIE and BIE-funded schools.
- Based on its unconventional accountability system, the BIE has encountered significant challenges not encountered by States.
- The various obstacles have impeded the development of the BIE as a cohesive school system for over a decade.
- Due to the multipart accountability system, the BIE is limited in providing information, resources, and technical assistance on educational matters necessary to improve schools.



For consideration –

- BIE is the only school system in the United States with a multipart accountability system.
- The other federal school system – DODEA – utilizes a unified accountability system, not a multipart accountability system.
- The intent of Congress in ESEA, as amended, is for states, including BIE, to utilize a unified accountability system.
- Congressional language states:
 - Achievement standards and assessments “shall apply to all public schools and public school students in the State.”
- BIE has been on **corrective action** with USDEd for years due to the challenges created by a multipart accountability system.



Summary of key challenges

- Collection of test results
- Accountability determinations
- EDFacts reporting
- State Report Cards
- Lowest performing schools dilemma
- Lack of assessment data to inform instruction and school improvement
- Lack of comparability of test results



Collection of test results

- For states, the collection of test results is a straightforward matter. Test results include English/language arts, math, science, alternate assessments, and English language proficiency.
- States simply contact their vendor or a state office and request immediate access to uniform electronic data across all schools.
- For the BIE, test result collection is a protracted, complicated process, often taking years. ***Some data is never collected.***
- BIE must contact multiple states, state vendors, and individual schools for test data.
- The data comes in varied formats and means, including facsimile, PDF, and dissimilar electronic formats.



Accountability determinations

- Typically states deliver accountability determinations (i.e., AYP under NCLB) before the start of the following schools year.
- BIE has never been able to make timely accountability determinations, throughout the history of NCLB.
- BIE's determinations are significantly delayed by many months, compared to a matter of weeks for states.
- Without a timely accountability status, schools cannot adequately plan education services for students in the coming school year.
- In other words, students are affected by the lack of information for a school to adequately plan.



EDFacts reporting

- Reporting certain data to EDFacts is a statutory requirement. EDFacts is comprised of about 290 data files (i.e., varies by year). The type of data is varied, but key data is assessment related.
- As mentioned, for the BIE collecting 23 sets of assessment data is labor-intensive and time-consuming, sometimes taking two or more years to collect. ***Some data is never collected.***
- In addition to the requirement to report the assessment data directly (i.e., proficiency), other EDFacts elements depend upon the assessment data (i.e., participation rate). Without essential data, the BIE is unable to submit timely and complete reports to EDFacts.
- Due to the difficulty in collecting assessment and other data, the BIE is behind several years in reporting data to EDFacts. BIE has been on ***corrective action*** with USDEd for many years.



State Report Cards

- Annual publication of State Report Cards – system-wide and LEA/school – is a statutory requirement.
- Data included on report cards includes graduation rates and student achievement data for each subject area and grade-level tested by the all student group and subgroups.
- Report cards provide important information to stakeholders, including parents, tribal leaders, and community members about the education provided by the school.
- The BIE is behind several years in published the State Report Cards. Again, the BIE is on ***corrective action*** with USDEd for the failure to publish timely report cards.



Lowest performing schools dilemma

- States are required to identify their lowest performing schools at least every three years using a statistically valid method.
- The purpose of identifying lowest performing schools is to prioritize support to the schools most in need of assistance.
- It is impossible for BIE to utilize a statistically valid method to rank schools in a multipart system, due to the non-comparability of state assessment scores across states.
- Although the BIE has devised a methodology to rank schools, it does not meet the standard of being statistically valid.
- BIE is on **corrective action** with USDEd regarding this issue.



Lack of assessment data to inform instruction and school improvement

- Teachers and school administrators are at a distinct disadvantage without ready access to student test data. States provide test proficiency data to teachers and school administrators to inform instruction and for school improvement.
- States' student information systems have the capability to house student assessment scores. For BIE, with varied and incomparable data and no centralized data capability, the task of organizing test data for multiple uses and audiences is complex and currently unfeasible.
- Teachers and administrators lack necessary assessment information that can be used in planning for continuous school improvement to benefit students.



Lack of comparability of test results

- For states, test results are comparable across all schools and all students, because they use the same tests.
- This data is invaluable for policymakers and school system to determine how the school system is functioning and to make course corrections to improve the system.
- Many support and interventions are the responsibility of the state school system, such as supports to the lowest performing schools.
- For the BIE, student test results on a range of tests is incomparable, due to its multipart system.



Summary

- The multipart accountability system created by the rulemaking committee created myriad problems for BIE as a school system and its students, not experienced by any state.
- That system has hindered the development of the BIE school system and the delivery of continuous school improvement services to schools.
- BIE is in continuous **corrective action** with USDEd due to its unorthodox accountability system.
- The current negotiated rulemaking process presents an opportunity to create regulations for an accountability system, including standards and assessments, on the same level as state systems. That was the intent of Congress.



Appendix G – What works well under existing regulations and those that require changes

September 25, 2018

Draft For Discussion Purposes

Standards, Assessments, and Accountability System Negotiated Rulemaking Committee Meeting #1

Themes from Discussion of Current Regulations (25 CFR Part 30)

What things work well, or are important to keep in the current regulations?	What are the challenges you experience with the current regulations?	Things to keep in mind as we negotiate.
This Committee has a right to shape the regulations.	State v Fed v Tribal	Focus on the whole student, creating, maintaining a climate of safety, health and wellness, trauma informed approaches. {Possible linkage to 5-year cohort for graduation rates} Think about how we describe student populations that have traumatic experiences. Prepare students to be life ready.
Get quick turn around on student assessment data from states.	Which statute are we following and when e.g., special education laws; teacher licensure	Chemawa Indian School focuses on whole student
Disaggregation of data enables us to talk about our students (important to maintain). Consider how we describe our student populations. Is there further disaggregation we need to do?	Grades and assessments – lack of valuing students and where they are from.	Consider a differentiated assessment model that integrates how we teach, test, score learning that integrates trauma informed learning.
Assessment systems are critical to a program (it is a system)	School boards are advisory to BIE	Keep in mind what obligations the new regulations create for Tribes and BIE.
Assessments are aligned with college/career readiness in the states which the schools are located.	Service areas are large. Complicates funding e.g. transportation needs force trade offs	
Assessment opt out provision – it exists and provides choice. This is a mobilization tool.	Instruction style is incongruent to students (non culturally or linguistically relevant). Result== student, family disengagement	
	Weight of taking assessments, put aside unique linguistic and cultural needs of students. Result in extreme is disengagement, falling enrollment	

DRAFT Current Regs (25CFR Part 30) What Works Challenges

Page 1 of 1

Appendix H – Composition and Grouping of Guiding Principals

Final

September 27, 2018

Bureau of Indian Education Standards, Assessments, and Accountability System Negotiated Rulemaking Committee Committee Core Principles

Context: At its September meeting the negotiated rulemaking committee developed and reached consensus on the following principles to use as decision making criteria. The principles were organized into the groups identified below.

Group I

- Educational Sovereignty
- Student Centered: Meet the unique needs of our students/how will this be best for/benefit our students/ how will this hinder a student?
- Positive outcomes for ALL stakeholders (students, community, parents, school staff) / Community needs
- Fairness/ Compassion
- Honor Ojibwe / Indigenous thought

Group II

- Prayer/Meditation/Faith

Group III

- Challenge our assumptions/be open-minded
- Look for opportunity
- Logic not feelings- should guide big decisions- because feelings can change most logistics can't.

Group IV

- Tenacity/relentlessness

Group V

- Universal: balance regulations with unique situations and needs of local control

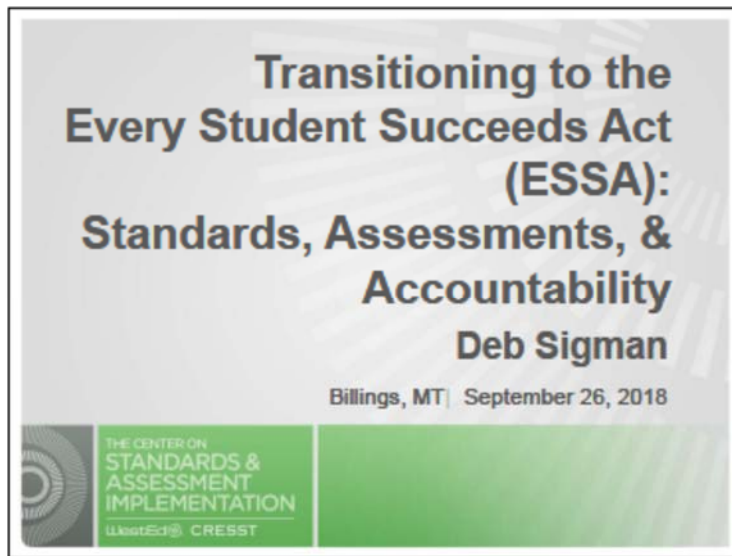
Group VI

- Unity/trust/truth/respect/make a strong commitment/honesty/integrity with each other

Final Committee Core Principles 092718

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Appendix I – Transitioning to the ESSA PowerPoint

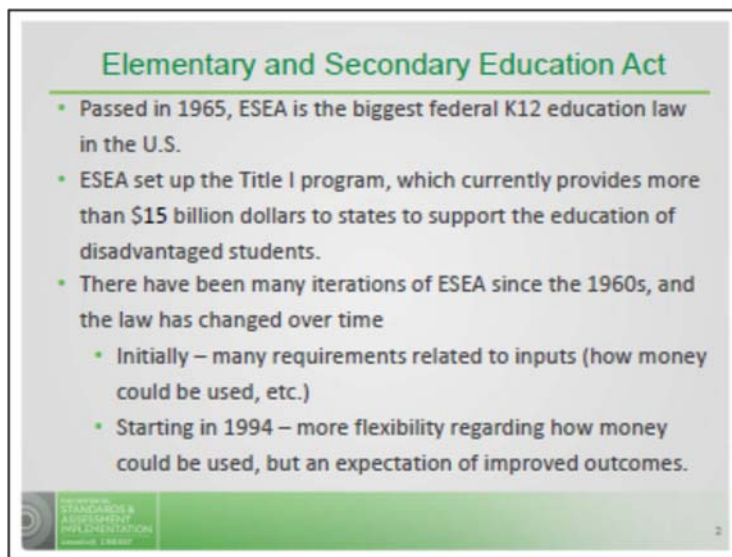


**Transitioning to the
Every Student Succeeds Act
(ESSA):
Standards, Assessments, &
Accountability**

Deb Sigman


Billings, MT | September 26, 2018

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Elementary and Secondary Education Act

- Passed in 1965, ESEA is the biggest federal K12 education law in the U.S.
- ESEA set up the Title I program, which currently provides more than \$15 billion dollars to states to support the education of disadvantaged students.
- There have been many iterations of ESEA since the 1960s, and the law has changed over time
 - Initially – many requirements related to inputs (how money could be used, etc.)
 - Starting in 1994 – more flexibility regarding how money could be used, but an expectation of improved outcomes.

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ESEA (Cont.)

- No Child Left Behind reauthorized the Elementary and Secondary Education Act in 2002.
 - Required that each State hold *all* students to the same high standards
 - Set the important expectation that schools must be making progress with all groups, not just some
- Every Student Succeeds Act (ESSA) was signed into law in December 2015, reauthorizing ESEA, replacing NCLB

ESSA Maintains Core Ideas or Pillars of the Law

Promote Educational Excellence and Equity



Standards
Assessment

Disaggregation, Transparency, and Accountability
School Support and Interventions

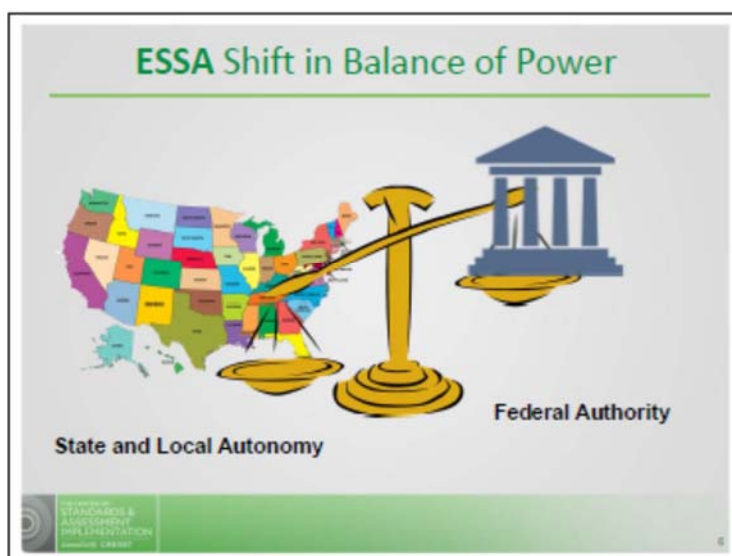
ESSA – What Has Changed?

Eliminated	Survived	New
<p>Adequate Yearly Progress (AYP)</p> <p>Automatic identification of schools that don't meet 95% participation requirement</p> <p>Mandate to achieve universal proficiency by a certain date</p> <p>Federally defined cascade of sanctions (including tutoring and school choice)</p> <p>School Improvement Grants (SIG) program</p>	<p>Requirement to adopt "challenging" state academic standards that apply to all public school students</p> <p>Annual testing in reading and math in grade 3-8 and high school</p> <p>Grade-span testing in science</p> <p>Disaggregated data by subgroup</p> <p>95% participation requirement for accountability (states determine consequence)</p>	<p>Standards must be aligned with credit-bearing courses in college</p> <p>Locally- and school-designed interventions</p> <p>Mandate for state-developed accountability systems with limited federal rules around goals, indicators, and school ratings</p>

Adapted from: Foundation for Excellence in Education, 2015

NATIONAL
STANDARDS &
ASSESSMENT
IMPLEMENTATION
CONSORTIUM

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Academic Standards - Policy Lens

- Standards are statements of what students should know and be able to do at each grade level.
- Having consistent, high expectations for all students is critical as a safeguard against some students being taught at a lower level or less rigorous content than other students.

THE JOURNALS OF STANDARDS & ASSESSMENT IMPLEMENTATION
LITERATURE CREDIT

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Academic Standards Under ESSA

- States are required to adopt “challenging” statewide academic content and achievement standards in, at minimum, math, reading/language arts, and science.
- The state must set at least three levels of achievement standards (e.g., Advanced, Proficient, and Basic).
- ESSA requires that states ensure that these standards are aligned with entrance requirements for credit-bearing coursework in the public higher education system in the state, as well as with relevant career and technical education standards.



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Academic Standards Under ESSA

- The same standards must apply to all students in the state, except that states are allowed to set alternate academic achievement standards for students with the most significant cognitive disabilities.
- States must also put in place standards for English-language proficiency that address speaking, listening, reading, and writing, and are aligned with the state’s academic standards.



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Key Questions - Standards Under ESSA

- What is the benefit of having a uniform system of standards for BIE schools?
- What might the challenges be of having a uniform system of standards?
- How will a uniform system promote the academic achievement of all our students?
- How will a uniform system allow for communicating high expectations for all our students?
- How might the BIE demonstrate that academic content standards are aligned to entry requirements for higher education?
- Whose entry requirements (e.g. four-year institutions, community colleges) for credit-bearing coursework will the BIE align standards to?



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Assessment - Policy Lens

- Annual assessments provide an objective measuring tool to determine student progress across classrooms, schools, and districts
- High-quality assessments:
 - Help expose gaps in performance between various student groups
 - Give schools and systems information they need to get better at educating all students
 - Can inform and improve teaching and learning



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Assessment Under ESSA

- States are required to administer statewide assessments annually in both mathematics and reading/language arts to every student in grades 3–8 and once in high school, in addition to a science assessment once per grade span (elementary, middle, and high school).
- States must provide accommodations as needed for students with disabilities.
- Assessments must be aligned with state standards and provide information on whether a student is performing at grade level.
- States assessment systems must provide for the participation of all students.



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Assessment Under ESSA

- States must assess English learner (EL) students in grades K–12 annually for English language acquisition.
- States must include English learners in their academic assessments.
- Assessments may be delivered, in part, as projects, portfolios, and/or extended performance tasks.
- States are given the option to administer a single summative assessment or **multiple statewide interim assessments that result in a single summative score** about student achievement and growth.



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Assessment Under ESSA

- Districts are given the ability to use a nationally recognized high school assessment (e.g., ACT and SAT) in lieu of a state-developed assessment, **provided that the test provides comparable data and is approved by the state.** (Must meet Federal peer review requirements.)
- States **may** set a target limit on the aggregate amount of time spent administering assessments in each grade level.
- States may exempt 8th graders from middle grades math assessments if the students take the end-of-course high school math assessment the State uses for accountability.

Assessment Under ESSA

- In assessing students with disabilities, there is a **1% cap at the state level on the number of students with the most significant cognitive disabilities who can take an alternate assessment in each tested subject.**
- If a district believes it will administer the alternate assessment to more than 1% of students, it must submit justification to the state. States may seek a waiver from the secretary of education if the overall 1% state cap is exceeded.

Assessment Under ESSA

- For English learners (ELs) enrolled in a US school less than 12 months, State can either :
 - ✓ (1) exclude ELs from one administration of the reading or language arts assessment and exclude, for purposes of accountability, results on the math and reading or language arts assessment or EL proficiency assessment; or
 - ✓ (2) assess and report EL performance on reading or language arts and math and exclude results from accountability for the first year; include a measure of student growth for the second year; and include proficiency in the third year.



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Key Questions - Assessments Under ESSA

- What is the benefit of having a uniform system of assessments for the BIE schools?
- What might the challenges be of developing or selecting a uniform set of assessments?
- How will a uniform set of assessments promote the academic achievement of all BIE students?
- How will a uniform set of assessments allow for communicating high expectations for all BIE students?



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Key Questions - Assessments Under ESSA

- The use of interim assessments and nationally recognized assessments for accountability purposes may present concerns/questions about the validity, reliability, and consistency of tests with nationally recognized professional and technical testing standards; alignment of nationally recognized assessments with state standards; and comparability of assessment results.
- Why might it be important that the BIE can compare test scores of all BIE students?



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Accountability - Policy Lens

- Well-designed accountability systems:
 - Set a clear expectation that schools must raise the achievement of all of their students, not just some.
 - Focus attention and resources on the full range of student groups, including those who may be traditionally underserved.
 - Can signal priorities for the organization.
 - Prompt action when schools don't meet expectations for any group of students.



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Accountability Under ESSA

- The statewide accountability system shall be based on the **challenging State academic standards** for reading or language arts and mathematics to improve student academic achievement and school success
- States must provide a clear explanation for how they will factor the **95 percent participation requirement**, overall and by student group, into the school accountability system.



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Accountability Under ESSA

- States are required to **establish long-term goals that include measures of interim progress**, for student achievement, high school graduation rates, and English language proficiency.
- Goals have to set an **expectation that all groups that are behind will make significant progress in closing gaps** in achievement and graduation rates.



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Accountability Under ESSA - Indicators

- States are solely responsible for the development of accountability systems that include multiple measures:
 1. Proficiency on annual assessments in reading and mathematics only
 2. Academic success (which could include growth on statewide tests for elementary and middle schools; or include additional subject areas);
 3. Graduation rates for high schools;
 4. Progress in achieving English language proficiency; and
 5. **At least one additional factor of school quality or student success** that allows for meaningful differentiation among student groups (e.g., student engagement, educator engagement, access to and completion of advanced coursework, school climate/safety, and college and career readiness).



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Accountability Under ESSA - Meaningful Differentiation

- States must establish a system of meaningfully differentiating, on an annual basis for public schools in the State:
 - Each of indicators 1 – 4 must be afforded “substantial weight”; and in the aggregate, much “greater weight” must be given to them (1-4) than the indicator or indicators described in 5.



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Accountability Under ESSA - Minimum Number of Students

With respect to disaggregation

- A minimum number of students to be included in the disaggregated groups must be established
 - Minimum number applies to all students and each subgroup of students
 - Must be statistically sound
 - Must not reveal any personally identifiable information

Accountability Under ESSA - Low Performing Schools

School identification: The school accountability system has to identify, at minimum,

- **Comprehensive Support and Improvement Schools**, including:
 1. Title I schools that are in the lowest performing 5 percent of Title I schools in the state
 2. All high schools that fail to graduate one-third or more of their students
 3. Additional targeted support schools that do not meet the State's exit criteria



Accountability Under ESSA - Low Performing Schools

- **Targeted Support and Improvement Schools:** Any school that is “consistently underperforming” for one or more student groups.
- **Additional Targeted Support Schools:** Any school whose results for any student subgroup meet the criteria for the lowest performing 5 percent of Title I schools in the state for students overall.



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Accountability Data & Reporting Under ESSA

- In addition to other requirements, State and local report cards must include the following information:
 - Disaggregated achievement in reading/language arts, math, and science at each achievement level
 - Disaggregated graduation rates
 - Disaggregated results for all accountability measures, with the exception of ELP
 - Disaggregated assessment participation rates
 - Disaggregated rates of exclusionary discipline and access to advanced coursework
 - If available, rate at which high school cohorts matriculate to higher education (disaggregated by subgroup)



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Key Questions - Accountability Under ESSA

- What is the benefit of having a uniform system of accountability for the BIE schools?
- What might the challenges be of developing or selecting a uniform accountability system?
- How will a uniform accountability system promote the academic achievement of all BIE students?
- How will a uniform accountability system allow for communicating high expectations for all BIE students?

Key Questions - Accountability Under ESSA

- Beyond tests and graduation rates, what indicators will add to the transparent picture of school performance?
- What might constitute a rigorous definition of “consistently underperforming” for groups?
- What might be appropriate supports and interventions for the lowest performing schools?



Key Questions - Accountability Under ESSA

- What measures could be used to meet the School Quality or Student Success indicator requirement in the accountability system?
- Consider what “much greater weight” or “substantial weight” mean?
- How might participation rate (95%) be accounted for in a uniform accountability system?
- How might BIE address schools with less than 95% participation rates?



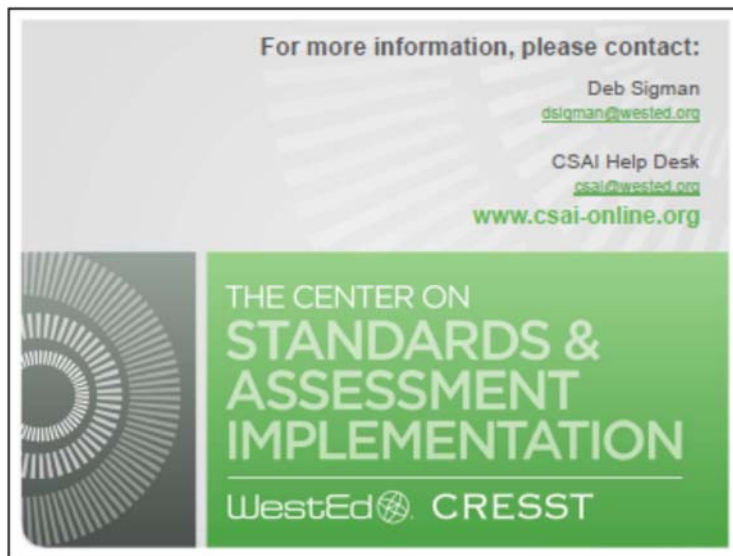
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Key Questions - Accountability Under ESSA

- How can the data be presented in a way that is useful to parents and community leaders?
- What kinds of tools, training, or accompanying materials would help parents and advocates use this information to fight for stronger opportunities to learn for all children?



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Appendix J – Public Comments

Verbal comments from Ahniwake Rose –

Good afternoon everyone, I'm Ahniwake Rose, the Executive Director for the National Indian Education Association. First I want to say thank you, to be able to listen to you all is an honor to hear how seriously your taking the process and I personally appreciate it and want to thank you on behalf of our organization. If there is anything we can continue to do to assist you please call upon us.

My question for you in listening to the process and thinking about things and the equability that the Tribes are being held to states. The timeline that (they) are requesting you follow is so hyper aggressive, that there's no way you're going to be able to do this in a way that I think that I'm hearing. I'm requesting that you think about the equitable fairness in how the states were being allowed to draft their plan versus what you've been told to do based on an Administration that choose not to follow its own guidelines and procedures. Not only to be able to request, if you wish, an extended timeline that the states were given to be able to develop your own plan. But also some real clarity about any punishments, if any and what the repercussions would be for Interior, because it's Interiors responsibility or BIE and how that will not go down to the schools; if you choose to do so.

And also thinking about the timeline, I have a lack of clarity around the consultation process and procedure, I see the timeline is built in really clear processes or consultation. However, there is no response back to the consultation. We all know that our Tribal leaders want to clearly hear and to have their voices heard. They want to be able to see their comments have been heard, respected, and how they are going to be reacted to. So if you're going to provide a 30-day open comment period and you are going to go out for consultation, how is Interior and BIE going to reflect on those comments? And what is going to happen if the comments are not reflective of what you all as negotiators have come up with? How are you going to balance what that looks like and how are you going to be able to respond to them? There's no clarity, I don't see in the process yet about how you're going to be able to react provide additional support either to the Tribes or not.

I will also suggest that as the next round of budgets that are coming out you strongly recommend in whatever way that you can as a Committee, than Interior not BIE but Interior specifically be appropriate funds to ensure that you can conduct this and conduct this appropriately. You should be able to go out and talk to NCAI. You should be able to go out and talk to Indian Country and let them know what you are doing. A 30-day notice in a Federal Register notice, as you all know, is not going to be acceptable to or leadership over what the next 10-years is going to look like under this Bill. This is going to require all of you to go out to your communities and having long standing conversations and that's what the states were allowed to do. The states were allowed to go out and within ESSA they were required to speak in full consultations with them and some of you actually participated with them in those consultations. There is no reason why you as Committee members should not have the same opportunity to go out and speak to your Tribal constituents and share that you have an opportunity to do that with your leadership and your council.

So I would just request that when you're going through and thinking about some of these items for clarity that you think about how that's all going to be built into the process. Someone else's timeline should not be put upon you because there was a failure and you need to have some clarity as sovereigns about how that is going to be managed within your expectations and your timeline. NIEA is really happy to support you in whatever you like. Thank you.

As an Assessment Coordinator/Proctor, I test classes on average 75-80 school days per year. The students and parents are showing desensitization to these tests and therefore, the data gathered is not valid. We are a contract school and we test NWEA MAPS three times per year for 3 subjects, SBAC once per year for 2 subjects + NAEP once every four years for math. I hope to see testing dialed back to make the scores more real.

Cindy Fry
Colville Conf. Tribes
Paschal Sherman Indian School

Appendix K – Report Outline

Draft for Discussion Purposes

September 27, 2018

+ Report Outline		
Recommendation on a Rule aka Regulation	Recommendations Regarding Definitions	Other Recommendations and Information
A regulation or a rule is “a general statement issued by an agency that has the force and effect of law and is designed to implement, interpret, or prescribe law or policy.” Rules fill gaps left explicitly or implicitly in statutory law.	Things the Committee feels are important for the Secretary to consider, but that might be better left not specified in the recommended rule. In other words, what the Committee wants the Secretary to pay attention to in developing definitions or the “state plan.” For instance, recommendations for where there are options available (specific indicators or categories of possible “other” standards, for instance); where requirements for states in section 1111 do not make sense for BIE-funded schools; and where BIE should negotiate alternatives with Department of Education for inclusion in the MOA.	For instance, recommendations on rulemaking not authorized or required here, that the Secretary should engage in in the future.

Appendix L – Action Items

Draft for Discussion Purposes

October 1, 2018

Standards, Assessments, and Accountability System Negotiated Rulemaking Committee Meeting #1 Action Items v3 corrected

Task	Lead	Complete by
BIE and / or Legal Advisor		
1. Post Meeting #1 presentations to website	Leonda	October 5, 2018
2. NWEA report	Jeff	October 5, 2018
3. Legal citation for EDFACTS	Brian	October 5, 2018
4. ED DOI MOA	Brian	October 1, 2018
5. Provide Joe H. ppt re GT Funding	Jeff	October 5, 2018
6. Provide compilation of State Plans	Jeff	October 5, 2018
7. Provide State plans that use portfolios	Deb Sigman	October 5, 2018
8. Language on 'shall', must, and will'	Brian/Regina	October 1, 2018
9. Budget for Reg-Neg and funding for Technical Experts	Jeff/ Regina	October 5, 2018
10. Send List of potential Technical Experts from ED	Jeff	October 5, 2018
Facilitator		
1. Send Doodle Poll to schedule LT & Subcommittee calls	Sarah	October 1, 2018
2. Disseminate Action Items and Accomplishments from Mtg #1	Sarah	October 1, 2018
3. Prepare draft meeting summary, circulate to Committee for review	Regina	October 15, 2018
4. Schedule Admin Webinar for Committee Facilitation	Regina	October 5, 2018
5. Send Mtg #2 Read Aheads to Committee	Sarah	October 23, 2018
6. Plan for Subcommittee meetings on Monday afternoon (October 29) of meeting #2	Sarah/Regina	October 23, 2018
Committee Members		
1. Sign and submit Mtg #1 Travel Voucher to Annette or Louie	Members	Completed
2. Check with attorneys re litigation with BIE and if it is an issue regarding participation in the Committee. Confer with Brian Quint.	Charles, Genevieve	October 30, 2018
3. Report out on conversation with Director Dearman	Jennifer	ASAP
4. Identify topics from list of experts who might be keynote speakers in ALBQ	Leadership Team with DFO, Facilitator	October 23, 2018

Accomplishments from Meeting #1

- Began forming as a Committee.
- Established and reached consensus on Committee Operating Protocols and Core Values to guide Committee decision making.
- Began to create a common understanding about the purpose and activities of the Committee.
- Began deliberations on draft regulations related to standards.
- Agreed on next steps for Committee deliberations as defined in Subcommittee tasks.