



U.S. Department of the Interior
Bureau of Indian Education

.....

PART 30 WAIVERS

STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY

Chief Academic Office
SY 2025-2026

.....

Vision

Excellence in Student-Centered, Native Education.

Mission

In partnership with Tribal Nations, the BIE promotes a culturally based, comprehensive education that prepares and empowers students to be healthy and successful.



PURPOSE OF PRESENTATION

Inform School Boards/Tribes about the process of requesting a Part 30 waiver.



SCOPE OF THIS PRESENTATION:



- Tribal waivers of standards, assessments, and/or accountability under BIE's regulations (25 CFR Part 30) and ESEA section 8204(c)
- Under such waivers, the Tribe and or School Board requests to use different standards, assessments, and/or accountability system from BIE's.



BENEFITS OF THE BIE UNIFIED STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY SYSTEM

1. *Common* language regarding content standards
2. BIE content standards *analogous* to most State content standards
3. *Collective* understanding of accountability measures
4. Modifications of standards and test items for *cultural responsiveness*
5. *Alignment* of resources
6. No *financial* obligations for schools
7. School Accreditation *should not* be impacted



SUBMITTING A PART 30 TRIBAL WAIVER

25 CFR Part 30



FACTORS TO CONSIDER



REQUESTING TO WAIVE STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY

These are waiver examples a Tribe/School Board may request:

1. BIE standards and assessments
2. BIE's standards, assessments and accountability system

Note: A Tribe/School Board should not request to waive only standards or only assessments.



EXAMPLE A - REQUESTING TO WAIVE STANDARDS AND ASSESSMENTS

Examples:

- Replacing the BIE Assessment with State approved summative assessment aligned to content standards (in the State which the tribe is located)

Request Format: Letter from the Tribe or School Board addressed to BIE and the US Department of Education.

*Note: Timeline for approval is approximately a few weeks to six (6) months, depending on the request. Part 30 waivers are to be submitted before **November 30**.*



QUESTIONS TO ADDRESS IN THE WAIVER

- Identify *what* the School/Tribe is *waiving* in the letter
 - Are the standards, assessments, and/or accountability system being waived?
- Which *content* assessments are being waived?
- Identify the standards and assessments that will replace the BIE's Unified Assessments?



EXAMPLE B - REQUESTING TO WAIVE STANDARDS, ASSESSMENTS AND ACCOUNTABILITY

Examples:

- Replace BIE Assessment with other Standards and Assessments
- OR
- Replacing a peer-reviewed assessment with an entirely new customized assessment with new test items developed by the Tribe/School
 - In addition, designing a separate accountability system

Accountability System Format: Standards approval plan, Assessment approval plan, ESSA “State Plan” or comparable format, or a combination of multiple formats.

Note: *Timeline for accountability system approval is a minimum of one (1) year or longer, depending on the request and whether funds are needed.*



ADDRESS THE FOLLOWING IN YOUR WAIVER

- Describe in detail the accountability system the school will be using
- Include all required signatures
- Submit *early* and no later than November 30th
- Attend all assessment trainings, both State and BIE.



CHECKLIST FOR PART 30 WAIVER SUBMISSION

Checklist: Proposal for Alternative Requirements for Standards, Assessments, and Accountability System

A tribal governing body or school board waiving BIE's standards, assessments, or accountability system must first submit written notice to BIE and the U.S. Department of Education of its decision to waive BIE's requirements in part or in whole. 25 C.F.R. § 30.113(a). Then, within 60 days of that notice, the tribal governing body or school board must submit a proposal for alternate requirements. 25 C.F.R. § 30.113(b). Though BIE's regulations allow for submission of the proposal for alternate requirements up to 60 days after the notice, the tribal governing body or school board may submit both the notice and proposal for alternative requirements at the same time.

A proposal for alternate requirements must meet the following requirements:

- ☐ The proposal must clearly identify whether the tribal governing body or school board is waiving BIE's standards, assessments, and/or accountability system. If the proposal is waiving BIE's assessments, it must identify the assessments being waived (e.g., English Language Arts (ELA)/Math, Science, Alternate, and English Language Proficiency). If there is an assessment or assessments that is not being considered for a waiver, the letter should identify why the assessment(s) are not being waived.
- ☐ The proposal must identify the tribal governing body's or school board's proposed alternate requirements (i.e. the standards, assessments, and/or accountability system that will replace BIE's). The proposal must include an explanation of how the alternative proposal meets the requirements of ESEA sec. 1111, taking into consideration the unique circumstances and needs of the school and the students served at the school. 25 C.F.R. § 30.114. BIE will review the proposal to determine whether the alternate requirements meet the requirements of ESEA sec. 1111.
- ☐ The waiver notice and proposal **must** come from a Tribal governing body or school board. 25 C.F.R. § 30.101. BIE will accept a resolution from a Tribal governing body or school board or a signed letter from the Tribal governing body or school board president or chairperson.
- ☐ Indicate the school years in the proposal for alternate standards, assessments, and accountability. The BIE and US DOE may approve two-year waivers (for example: SY 2024-2025 and SY 2025-2026).
- ☐ If proposing to use the State's standards and assessments, provide evidence of an agreement with the State providing the assessments. This evidence may include a letter from the State superintendent or other authorized state official, a memorandum of understanding, a tribal compact, or a data sharing agreement.
- ☐ BIE-funded schools may not use Title I, A funds to administer assessments. Consequently, the school should either confirm that the assessments will be provided and administered at no cost or identify an alternative source of funding.

RECOMMENDED SUBMISSION TIMELINE

- Recommended Timeline for Waiver Submission – Submit before November 30th of the current school year
- Waivers must be submitted to:

BIE Director
Bureau of Indian Education
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240
E-Mail: biecentraloffice@bie.edu

Deputy Assistant Secretary
Delegated the Authority to Perform the Functions
and Duties of the Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202
E-Mail: OESE.TitleI-A@ed.gov

CC: BIE Chief Academic Officer and Office of School Support and Accountability, U.S. Department of Education



EXAMPLE OF A LETTER TO WAIVE STANDARDS AND ASSESSMENTS

SAMPLE LETTER

(This letter combines the notice and proposal requirements identified above. The letter presents a common situation where a tribal governing body/school board is seeking to use a state's standards and assessments.)

Tribal Governing Body Letterhead

Date

BIE Director
Bureau of Indian Education
U.S. Department of the Interior
1849 C. Street NW
Washington, DC 20240

Deputy Assistant Secretary
Delegated the Authority to Perform the Functions and Duties of the
Assistant Secretary Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

Dear Leaders,

Pursuant to 25 C.F.R. § 30.113(a), the tribal governing body is providing notice to BIE that it is waiving portions of BIE's requirements for standards, assessments, and accountability system for the 2025-26, 2026-27, and 2027-28 school years. Specifically, the tribal governing body is waiving BIE's standards and assessments. For assessments, the tribal governing body is waiving BIE's English language arts, math, and science assessments, including BIE's alternate assessments in those subjects for students with the most significant cognitive disabilities who are unable to participate in general assessments even with accommodations. The tribal governing body is not waiving BIE's English language proficiency assessment because the state administers the same assessment as BIE. Further, the school will continue to use BIE's accountability system.

Additionally, with this letter, we are providing a proposal for alternative requirements that are consistent with section 1111 of the Elementary and Secondary Education Act. 25 C.F.R. § 30.113(c). The school will continue to teach the state's standards and participate in its assessment program. The state uses the following standards and assessments: insert specific standards and assessments used. We have an agreement with X State (see enclosed agreement) to take their assessments and have identified X funds (insert funding source) to pay for the state assessments. The school will provide the assessment data to BIE in a timely fashion.

As evidence that the proposed alternate standards and assessments meet ESEA section 1111's requirements, we offer that the standards and assessments have been reviewed and approved by the U.S. Department of Education through the state's ESEA state plan.

Sincerely,
(Insert Tribal Governing Body President/Chairperson)

CC:
U.S. Department of Education, Office of School Support and Accountability
BIE Director
Chief Academic Officer

EXAMPLE



POINTS OF CONTACT (POC)

BIE CAO Unit POCs

Carmelia Becenti
Chief Academic Officer
biecao@bie.edu

US DOE POC

Melissa Siry Gordon
Program Officer, Title I, Part A
US Department of Education
OESE.TitleI-A@ed.gov

Patrick Rooney
Director, School Support & Accountability
US Department of Education
OESE.TitleI-A@ed.gov

Mvto HiyHiy LemLmts Wado
DaWaEh Miigwech Wopila
Pinangigi Wimblahoho
Quyana Baasee AnaaBasee
Ahéhee HiriweTudahe
Thank You Tansi

