

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

Elementary and Secondary Education Act (ESEA) Flexibility Request: Summary of Key Provisions

Tribal Consultations

Oklahoma City, OK - July 17, 2012

Flagstaff, AZ – July 20, 2012

Seattle, WA – July 24, 2012

Bismarck, ND – July 27, 2012

Agenda

- No Child Left Behind (NCLB)/ ESEA
 - Background
- Challenges for BIE under NCLB/ESEA
 - Negotiated Rulemaking
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 - BIE's New Accountability System
- Benefits of ESEA Flexibility for BIE
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 - How to submit comments

Strengthening Tribal Education

- Vision: Empower tribes to exercise greater control over education.
- BIE's flexibility request reestablishes tribal sovereignty in two ways:
 1. *Tribes may reassert sovereignty by moving away from state standards and assessments.*
 2. *Tribes, through the adoption of Common Core State Standards, may develop tribally focused standards addressing language, culture and history.*
- Students possessing a more culturally relevant education are more likely to attain higher levels of achievement.

No Child Left Behind (NCLB)/ESEA

- NCLB is the 2001 Reauthorization of the Elementary and Secondary Education Act (ESEA).
- Established school accountability systems based primarily on state standard assessments.
- Required all students to meet rigorous testing targets in reading/language arts and mathematics.
- Set 2014 for 100% student proficiency in reading/language arts and mathematics.

Challenges for BIE under NCLB/ESEA

- NCLB mandated a Negotiated Rulemaking process to decide how BIE would implement NCLB.
- Negotiated Rulemaking final regulations directed the BIE to use the academic content standards, assessments, and accountability criteria of the state where the school is located.
- BIE consequently has 23 definitions of Adequate Yearly Progress.

ESEA Flexibility Request

- ESEA reauthorization now five years overdue.
- Secretary of Education Duncan offered flexibility from NCLB/ESEA provisions to states.
- In exchange for waivers, states committed to bold reforms around standards and accountability:
 - Raising standards
 - Improving accountability
 - Improving teacher effectiveness
- 19 of 23 states where BIE funds schools have applied for or received flexibility.

ESEA Flexibility's Four Principles

BIE's Flexibility Request demonstrates how it will use this flexibility to implement the following principles:

- Principle 1: College-and career-ready expectations for all students
- Principle 2: State-developed differentiated recognition, accountability, and support
- Principle 3: Support for effective instruction and leadership
- Principle 4: Reducing duplication and unnecessary burden

Principle 1: Standards and Assessments

- Adopt Common Core Standards, initially in reading/language arts and mathematics.
- Up to 15% standards to reflect tribal values.
- Employ a single assessment system for all BIE-funded schools.
- Assessment:
 - Assess all students 3 times per year
 - Assess grades 3-10 for accountability
 - Assessments used to establish growth targets

Principle 2: Differentiated Recognition, Accountability, and Support Systems

- New **Differentiated Recognition** system established: Reward, Focus, and Priority.
- New **Accountability Index** scoring indicators:
 - Proficiency: Student Performance on academic assessments relative to a standard
 - Progress: Growth in student achievement across the academic year
 - Attendance (K-8) and Graduation (10-12) rates
- Reset “Annual Measurable Objectives” (AMO).
- Provides supports for lowest performing schools and rewards for high-performing schools.

Principle 3: Teachers and Principals

- Develop evaluation and support systems:
 - Focus on effectiveness of teachers and principals
 - Inform professional development and improved practice
- Evaluation and support systems:
 - Interior policy for BIE-operated schools
 - Optional for tribally-controlled schools, except recipients of certain funds (i.e., SIG)
- Student growth data on current students:
 - Teachers of reading/language arts and mathematics

Principle 4: Reducing Duplication & Unnecessary Burden

- Evaluate current SEA's administrative requirements:
 - Identify reporting requirements with little or no impact on student outcomes
- Based on outcome of evaluation:
 - Remove duplicative and burdensome reporting requirements
 - Lessen burden on schools

Overview of BIE's Flexibility Request

- BIE intends to apply for a flexibility waiver.
- BIE first must amend 25 CFR 30.104(a), which requires the use of the 23 state accountability systems.
- Instead, BIE will implement a single, bureau-wide accountability system.
- Stakeholder input and tribal consultation are key components.
- BIE seeks input from tribal leaders about amending 25 CFR 30 and implementing a unified accountability system.

Benefits of ESEA Flexibility

- Student achievement becomes the focus.
- Accountability determinations will be more reflective of school performance.
- Unified accountability system – standards, assessments, and accountability criteria – will level the playing field for all BIE schools.
- The accountability system will credit successful efforts and be less punitive.
- Alignment in accountability will allow BIE to better leverage Technical Assistance and Professional Development resources.

Benefits of ESEA Flexibility

- Waiver is opportunity to effect significant reforms in BIE-funded schools, consistent with national reform movement.
- Most significant reform is unified accountability system across all BIE-funded schools in 23 states, consisting of:
 - Common Core Standards
 - Common assessments
 - Common accountability methodology

Conclusion

- Questions and clarifications
- Websites for BIE ESEA Flexibility Request:
<http://www.bie.edu> (BIE)
- Dedicated email address to submit comments:
eseaconsultation@bie.edu