

***Unified Accountability System for BIE-funded Schools***

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**Existing Approach**

The Bureau of Indian Education (BIE) serves as the State Education Agency (SEA) for BIE-funded schools. Each state and the BIE are required to have an approved Consolidated State Application Accountability Workbook (i.e., state accountability plan), approved by the U.S. Department of Education in accordance with Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB).<sup>1</sup> Each state follows the accountability plan of its own state. However, a significant feature distinguishing the BIE school system from states is the way in which the BIE implements its accountability system. The BIE follows the accountability plans of 23 different states, corresponding to where BIE-funded schools are located, rather than a single accountability system as do states.

The No Child Left Behind Act mandated a negotiated rulemaking process to establish how the BIE would implement its accountability system. The principle determination of negotiated rulemaking was that BIE-funded schools would be measured against the accountability standards of the respective 23 states where BIE schools were located. The BIE, in other words, would utilize the academic standards, assessments, and adequate yearly progress (AYP) calculations based on 23 states' dissimilar accountability systems.

**Problems with Existing Approach**

The intent of the negotiated rulemaking committee was to hold BIE-funded schools accountable to the same standards as the public schools in the areas surrounding the tribe, contributing to a consistent set of standards on a state-wide basis. The unintended consequence of the rulemaking decision was to create an incoherent, burdensome, and unnecessarily complex accountability system to calculate AYP statuses annually. Since passage of NCLB, the BIE has labored against a vastly chaotic, yet mandated, accountability system, which fails to provide comparable information across the BIE school system. Although the BIE has managed to calculate AYP using 23 different systems, the lack of a coherent accountability system has hampered its school improvement efforts in schools that are among the lowest performing in the nation. Assessment data from one state to another is not comparable, making meaningful analysis impossible and critical interventions challenging.

**Proposed Changes**

The Bureau of Indian Education (BIE) proposes revisions to 25 CFR Part 30, Adequate Yearly Progress, to assist BIE-funded schools in reaching educational excellence. Revisions to 25 CFR Part 30 requires Negotiated Rulemaking, as mandated by No Child Left Behind. Specifically, the BIE will propose to adopt a unified accountability system, utilizing a single set of academic standards, a single set of assessments, and a single adequate yearly progress (AYP). This is the approach states use to make accountability determinations.

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<sup>1</sup> Approved State Accountability Plans are available at:  
<http://www2.ed.gov/admins/lead/account/stateplans03/index.html>.

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The proposed change to 25 CFR Part 30 will encompass both BIE-operated schools and tribally-controlled (grant and contract) schools. However, a particular section of 25 CFR Part 30 will remain intact to allow tribally-controlled schools to not be included in the proposed changeover to a unified accountability system, if they so choose. That option is outlined in 25 CFR 30.104(b), which allows a governing tribe or governing school board the option of requesting an alternative definition of AYP. This option will allow a tribally-controlled school to propose to utilize its state's accountability system or to propose an entirely new accountability system, instead of the BIE's proposed unified accountability system.

**Expected Impact**

The impetus for the proposed unified accountability system is the need to devise a meaningful accountability system that will support school improvement. The proposed accountability system will be a significant improvement over the current, unworkable 23 states' accountability design. For the first time, the BIE will be able to collect and compare data on performance indicators across all BIE-funded schools in 23 states. Thus, the management of scarce resources (e.g., time, people, and money) will become more efficient by focusing appropriate services to the schools and students most in need, while acknowledging the success of many schools within the system.

As mentioned, the option of an alternate accountability definition will be preserved in the revision of the regulation governing accountability system in the Bureau of Indian Education (i.e., 5 CFR Part 30). Governing tribes or schools boards will be afforded the opportunity to customize an accountability system to meet the unique needs of tribal communities and Indian children, should they determine that a unified accountability system does not meet their needs.