

Bureau of Indian Education

ESEA Flexibility Request for Window 3



Submitted by the
Bureau of Indian Education,
U.S. Department of the Interior

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U.S. Department of Education
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Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0581. The time required to complete this information collection is estimated to average 336 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4537.

INTRODUCTION

The U.S. Department of Education (Department) is offering each State educational agency (SEA) the opportunity to request flexibility on behalf of itself, its local educational agencies (LEAs), and its schools, in order to better focus on improving student learning and increasing the quality of instruction. This voluntary opportunity will provide educators and State and local leaders with flexibility regarding specific requirements of the No Child Left Behind Act of 2001 (NCLB) in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. This flexibility is intended to build on and support the significant State and local reform efforts already underway in critical areas such as transitioning to college- and career-ready standards and assessments; developing systems of differentiated recognition, accountability, and support; and evaluating and supporting teacher and principal effectiveness.

The Department invites interested SEAs to request this flexibility pursuant to the authority in section 9401 of the Elementary and Secondary Education Act of 1965 (ESEA), which allows the Secretary to waive, with certain exceptions, any statutory or regulatory requirement of the ESEA for an SEA that receives funds under a program authorized by the ESEA and requests a waiver. Under this flexibility, the Department would grant waivers through the 2014–2015 school year.

REVIEW AND EVALUATION OF REQUESTS

The Department will use a review process that will include both external peer reviewers and staff reviewers to evaluate SEA requests for this flexibility. This review process will help ensure that each request for this flexibility approved by the Department is consistent with the principles described in the document titled *ESEA Flexibility*, which are designed to support State efforts to improve student academic achievement and increase the quality of instruction, and is both educationally and technically sound. Reviewers will evaluate whether and how each request for this flexibility will support a comprehensive and coherent set of improvements in the areas of standards and assessments, accountability, and teacher and principal effectiveness that will lead to improved student outcomes. Each SEA will have an opportunity, if necessary, to clarify its plans for peer and staff reviewers and to answer any questions reviewers may have. The peer reviewers will then provide comments to the Department. Taking those comments into consideration, the Secretary will make a decision regarding each SEA's request for this flexibility. If an SEA's request for this flexibility is not granted, reviewers and the Department will provide feedback to the SEA about the components of the SEA's request that need additional development in order for the request to be approved.

GENERAL INSTRUCTIONS

An SEA seeking approval to implement this flexibility must submit a high-quality request that addresses all aspects of the principles and waivers and, in each place where a plan is required, includes a high-quality plan. Consistent with ESEA section 9401(d)(1), the Secretary intends to grant waivers that are included in this flexibility through the end of the 2014–2015 school year for SEAs that request the flexibility in “Window 3” (*i.e.*, the September 2012 submission window for peer review in October 2012). The Department is asking SEAs to submit requests that include plans through the 2014–2015 school year in order to provide a complete picture of the SEA’s reform efforts. The Department will not accept a request that meets only some of the principles of this flexibility.

This *ESEA Flexibility Request for Window 3* is intended for use by SEAs requesting ESEA flexibility in September 2012 for peer review in October 2012. The timelines incorporated into this request reflect the timelines for the waivers, key principles, and action items of ESEA flexibility for an SEA that is requesting flexibility in this third window.

High-Quality Request: A high-quality request for this flexibility is one that is comprehensive and coherent in its approach, and that clearly indicates how this flexibility will help an SEA and its LEAs improve student achievement and the quality of instruction for students.

A high-quality request will (1) if an SEA has already met a principle, provide a description of how it has done so, including evidence as required; and (2) if an SEA has not yet met a principle, describe how it will meet the principle on the required timelines, including any progress to date. For example, an SEA that has not adopted minimum guidelines for local teacher and principal evaluation and support systems consistent with Principle 3 by the time it submits its request for the flexibility will need to provide a plan demonstrating that it will do so by the end of the 2012–2013 school year. In each such case, an SEA’s plan must include, at a minimum, the following elements for each principle that the SEA has not yet met:

1. **Key milestones and activities:** Significant milestones to be achieved in order to meet a given principle, and essential activities to be accomplished in order to reach the key milestones. The SEA should also include any essential activities that have already been completed or key milestones that have already been reached so that reviewers can understand the context for and fully evaluate the SEA’s plan to meet a given principle.
2. **Detailed timeline:** A specific schedule setting forth the dates on which key activities will begin and be completed and milestones will be achieved so that the SEA can meet the principle by the required date.
3. **Party or parties responsible:** Identification of the SEA staff (*e.g.*, position, title, or office) and, as appropriate, others who will be responsible for ensuring that each key activity is accomplished.
4. **Evidence:** Where required, documentation to support the plan and demonstrate the SEA’s progress in implementing the plan. This *ESEA Flexibility Request for Window 3* indicates the specific evidence that the SEA must either include in its request or provide at a future reporting date.

5. **Resources:** Resources necessary to complete the key activities, including staff time and additional funding.
6. **Significant obstacles:** Any major obstacles that may hinder completion of key milestones and activities (*e.g.*, State laws that need to be changed) and a plan to overcome them.

Included on page 19 of this document is an example of a format for a table that an SEA may use to submit a plan that is required for any principle of this flexibility that the SEA has not already met. An SEA that elects to use this format may also supplement the table with text that provides an overview of the plan.

An SEA should keep in mind the required timelines for meeting each principle and develop credible plans that allow for completion of the activities necessary to meet each principle. Although the plan for each principle will reflect that particular principle, as discussed above, an SEA should look across all plans to make sure that it puts forward a comprehensive and coherent request for this flexibility.

Preparing the Request: To prepare a high-quality request, it is extremely important that an SEA refer to all of the provided resources, including the document titled *ESEA Flexibility*, which includes the principles, definitions, and timelines; the document titled *ESEA Flexibility Review Guidance for Window 3*, which includes the criteria that will be used by the peer reviewers to determine if the request meets the principles of this flexibility; and the document titled *ESEA Flexibility Frequently Asked Questions*, which provides additional guidance for SEAs in preparing their requests.

As used in this request form, the following terms have the definitions set forth in the document titled *ESEA Flexibility*: (1) college- and career-ready standards, (2) focus school, (3) high-quality assessment, (4) priority school, (5) reward school, (6) standards that are common to a significant number of States, (7) State network of institutions of higher education, (8) student growth, and (9) turnaround principles.

Each request must include:

- A table of contents and a list of attachments, using the forms on pages 1 and 2.
- The cover sheet (p. 3), waivers requested (p. 4-6), and assurances (p. 7-8).
- A description of how the SEA has met the consultation requirements (p. 9).
- Evidence and plans to meet the principles (p. 10-18). An SEA will enter narrative text in the text boxes provided, complete the required tables, and provide other required evidence. An SEA may supplement the narrative text in a text box with attachments, which will be included in an appendix. Any supplemental attachments that are included in an appendix must be referenced in the related narrative text.

Requests should not include personally identifiable information.

Process for Submitting the Request: An SEA must submit a request to the Department to receive the flexibility. This request form and other pertinent documents are available on the Department's Web site at: <http://www.ed.gov/esea/flexibility>.

Electronic Submission: The Department strongly prefers to receive an SEA's request for the flexibility electronically. The SEA should submit it to the following address:
ESEAflexibility@ed.gov.

Paper Submission: In the alternative, an SEA may submit the original and two copies of its request for the flexibility to the following address:

Paul S. Brown, Acting Director
Student Achievement and School Accountability Programs
U.S. Department of Education
400 Maryland Avenue, SW, Room 3W320
Washington, DC 20202-6132

Due to potential delays in processing mail sent through the U.S. Postal Service, SEAs are encouraged to use alternate carriers for paper submissions.

REQUEST SUBMISSION DEADLINE

The submission due date for Window 3 is September 6, 2012.

TECHNICAL ASSISTANCE FOR SEAS

The Department has conducted a number of webinars to assist SEAs in preparing their requests and to respond to questions. Please visit the Department's Web site at:
<http://www.ed.gov/esea/flexibility> for copies of previously conducted webinars and information on upcoming webinars.

FOR FURTHER INFORMATION

If you have any questions, please contact the Department by e-mail at ESEAflexibility@ed.gov

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6	State’s Race to the Top Assessment Memorandum of Understanding (MOU) (if applicable)	N/A
7	Evidence that the SEA has submitted high-quality assessments and academic achievement standards to the Department for peer review, or a timeline of when the SEA will submit the assessments and academic achievement standards to the Department for peer review (if applicable)	N/A
8	A copy of the average statewide proficiency based on assessments administered in the 2011–2012 school year in reading/language arts and mathematics for the “all students” group and all subgroups (if applicable)	N/A
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COVER SHEET FOR ESEA FLEXIBILITY REQUEST

<p>Legal Name of Requester:</p> <p>Bureau of Indian Education</p>	<p>Requester's Mailing Address:</p> <p>Bureau of Indian Education U.S. Department of the Interior 1849 C Street, NW MS-3609-MIB Washington, DC 20240</p>
<p>State Contact for the ESEA Flexibility Request</p> <p>Name: Dr. Jeffrey Hamley</p> <p>Position and Office: Associate Deputy Director, Division of Performance and Accountability</p> <p>Contact's Mailing Address:</p> <p>Bureau of Indian Education U.S. Department of the Interior 1849 C Street, NW MS-3609-MIB Washington, DC 20240</p> <p>Telephone: (202) 208-6123</p> <p>Fax: (202) 208-3312</p> <p>Email address: Jeffrey.hamley@bie.edu</p>	
<p>Chief State School Officer (Printed Name):</p> <p>Brian Drapeaux Acting Director, Bureau of Indian Education</p>	<p>Telephone:</p> <p>(202) 208-6123</p>
<p>Signature of the Chief State School Officer:</p> <p>X <i>James Martin</i></p>	<p>Date:</p> <p><i>9-6-12</i></p>
<p>The State, through its authorized representative, agrees to meet all principles of the ESEA Flexibility.</p>	

WAIVERS

By submitting this flexibility request, the SEA requests flexibility through waivers of the ten ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements by checking each of the boxes below. The provisions below represent the general areas of flexibility requested; a chart appended to the document titled *ESEA Flexibility Frequently Asked Questions* enumerates each specific provision of which the SEA requests a waiver, which the SEA incorporates into its request by reference.

- 1. The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State’s proficient level of academic achievement on the State’s assessments in reading/language arts and mathematics no later than the end of the 2013–2014 school year. The SEA requests this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.
- 2. The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. The SEA requests this waiver so that an LEA and its Title I schools need not comply with these requirements.
- 3. The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. The SEA requests this waiver so that it need not comply with these requirements with respect to its LEAs.
- 4. The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. The SEA requests this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.
- 5. The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide program. The SEA requests this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its Priority and Focus schools that meet the definitions of “Priority schools” and “Focus schools,” respectively, set forth in the document titled *ESEA Flexibility*, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.
- 6. The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or

restructuring. The SEA requests this waiver so that it may allocate section 1003(a) funds to its LEAs in order to serve any of the State’s Priority and Focus schools that meet the definitions of “Priority schools” and “Focus schools,” respectively, set forth in the document titled *ESEA Flexibility*.

- 7. The provision in ESEA section 1117(c)(2)(A) that authorizes an SEA to reserve Title I, Part A funds to Reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. The SEA requests this waiver so that it may use funds reserved under ESEA section 1117(c)(2)(A) for any of the State’s Reward schools that meet the definition of “Reward schools” set forth in the document titled *ESEA Flexibility*.
- 8. The requirements in ESEA section 2141(a), (b), and (c) for an LEA and SEA to comply with certain requirements for improvement plans regarding highly qualified teachers. The SEA requests this waiver to allow the SEA and its LEAs to Focus on developing and implementing more meaningful evaluation and support systems.
- 9. The limitations in ESEA section 6123 that limit the amount of funds an SEA or LEA may transfer from certain ESEA programs to other ESEA programs. The SEA requests this waiver so that it and its LEAs may transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A.
- 10. The requirements in ESEA section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grants (SIG) final requirements. The SEA requests this waiver so that it may award SIG funds to an LEA to implement one of the four SIG models in any of the State’s Priority schools that meet the definition of “Priority schools” set forth in the document titled *ESEA Flexibility*.

Optional Flexibilities:

If an SEA chooses to request waivers of any of the following requirements, it should check the corresponding box(es) below:

- 11. The requirements in ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) that restrict the activities provided by a community learning center under the Twenty-First Century Community Learning Centers (21st CCLC) program to activities provided only during non-school hours or periods when school is not in session (*i.e.*, before and after school or during summer recess). The SEA requests this waiver so that 21st CCLC funds may be used to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session.
- 12. The requirements in ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) that require LEAs and SEAs to make determinations of adequate yearly progress (AYP) for schools and LEAs, respectively. The SEA requests this waiver because continuing to determine whether an LEA and its schools make AYP is inconsistent with the SEA’s State-developed differentiated recognition, accountability, and support system included in its ESEA flexibility request. The SEA and its LEAs must report on their report cards performance against the AMOs for all subgroups identified in ESEA section 1111(b)(2)(C)(v), and use performance against the AMOs

to support continuous improvement in Title I schools.

- 13. The requirements in ESEA section 1113(a)(3)-(4) and (c)(1) that require an LEA to serve eligible schools under Title I in rank order of poverty and to allocate Title I, Part A funds based on that rank ordering. The SEA requests this waiver in order to permit its LEAs to serve a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school does not rank sufficiently high to be served under ESEA section 1113.

ASSURANCES

By submitting this application, the SEA assures that:

- 1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.
- 2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)
- 3. It will develop and administer no later than the 2014–2015 school year alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State's college- and career-ready standards. (Principle 1)
- 4. It will develop and administer ELP assessments aligned with the State's ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii). (Principle 1)
- 5. It will report annually to the public on college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State. (Principle 1)
- 6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify Priority and Focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. § 200.6(a)(2); and are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)
- 7. It will report to the public its lists of Reward schools, Priority schools, and Focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its Reward schools as well as make public its lists of Priority and Focus schools if it chooses to update those lists. (Principle 2)
- 8. Prior to submitting this request, it provided student growth data on their current students and the students they taught in the previous year to, at a minimum, all teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instructional programs, or it will do so no later than the deadline required under the State Fiscal Stabilization Fund. (Principle 3)

- 9. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)
- 10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.
- 11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).
- 12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (*e.g.*, by publishing a notice in the newspaper; by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).
- 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.
- 14. It will report annually on its State report card, and will ensure that its LEAs annually report on their local report cards, for the “all students” group and for each subgroup described in ESEA section 1111(b)(2)(C)(v)(II): information on student achievement at each proficiency level; data comparing actual achievement levels to the State’s annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools. It will also annually report, and will ensure that its LEAs annually report, all other information and data required by ESEA section 1111(h)(1)(C) and 1111(h)(2)(B), respectively.

If the SEA selects Option A in section 3.A of its request, indicating that it has not yet developed and adopted all the guidelines for teacher and principal evaluation and support systems, it must also assure that:

- 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2012–2013 school year. (Principle 3)

CONSULTATION

An SEA must meaningfully engage and solicit input from diverse stakeholders and communities in the development of its request. To demonstrate that an SEA has done so, the SEA must provide an assurance that it has consulted with the State’s Committee of Practitioners regarding the information set forth in the request and provide the following:

The Bureau of Indian Education (BIE) will engage in two types of consultation: 1) stakeholder input, and 2) tribal consultation. Stakeholder input will address the requirements of the Flexibility Request, to the greatest extent possible. Formal tribal consultation is required of BIE as a federal agency, as well as other federal agencies, in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. President Obama signed a Memorandum on Tribal Consultation on November 5, 2009, directing each executive department to develop a detailed plan of action to implement Executive Order 13175. In response, the U.S. Department of the Interior developed the Department of the Interior Policy on Consultation with Indian Tribes¹ (see Attachment 2).

1. A description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives.

The BIE meaningfully engaged and solicited input on its Flexibility Request from teachers and the teachers’ labor union. Teachers and their representatives are actively involved in the design of the Flexibility Request.

Methods of Communication. The BIE communicated with stakeholders by various means, including:

- Email listserv
- Web-based information
- Facsimile transmission
- Dedicated email response account (eseaconsultation@bie.edu)
- Website posting
- Webinar
- Teleconference
- Face-to-face meeting

The above means we used to communicate to schools, inviting review of the draft Flexibility request and requesting input.

Teachers. The BIE funds 174 schools. Of that number, 58 schools are BIE-operated and 116 schools are tribally-controlled.² Teachers in the BIE-operated schools are federal employees. Outreach by the BIE to teachers working in BIE-funded schools is determined by their federal or non-federal status and the various statutes and regulations governing the BIE as a federal agency.

¹ Secretary Order No. 3317, U.S. Department of the Interior, December 11, 2011.

² The number of BIE-operated and tribally controlled schools may change from year-to-year.

The BIE conducted stakeholder outreach to teachers in the BIE-funded schools through various means. The Flexibility Request and related materials were posted for public view to the BIE and Interior websites: <http://www.bie.edu> and <http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm>. Reviewers also could submit open-ended comments by email to: eseaconsultation@bie.edu, or by U.S. mail to: BIE ESEA Flexibility Request Comments, Office of the Assistant Secretary – Indian Affairs, U.S. Department of the Interior, Mail Stop 4141 MIB, Washington, DC 20240.

Through emails to both BIE-operated and tribally controlled schools, information was disseminated about how to access the BIE Flexibility Request at the various websites and inviting input into the draft document.

Information also was disseminated at the annual 2012 BIE Summer Institute held in Denver June 11-14, 2012. Over 1,900 personnel from BIE-funded schools attended the event, including teachers. Four sessions were held on the BIE Flexibility Request. In addition, hundreds of flyers were distributed to participants inviting input into the BIE Flexibility Request.

Teacher Representatives. Teachers in BIE-operated schools are represented by the Federation of Indian Service Employees Union (FISE). Teachers in tribally-controlled schools have no labor union representation.

The BIE solicited input from the employee union by contacting the union and requesting input in the BIE Flexibility Request. Of particular interest to the teacher's union is the part dealing with teacher evaluations. Discussions have taken place with the union about revising the existing Employee Performance Appraisal Plan (EPAP), which is the instrument used to evaluate BIE employees, to include a student achievement element. Discussions have centered on schools participating in the ED SIG program. SIG requires the use of data on student progress in the evaluation of teachers. Agreement in principle has been reached with the SIG schools and can be expanded to all BIE-operated schools. A draft Memorandum of Understanding has been developed and is under review by both parties.

In regard to the teachers in tribally-controlled schools, BIE cannot require unilaterally that tribal schools implement a particular evaluation system. However, some leverage is available with schools funded with SIG dollars, since SIG requires the use of data on student progress in the evaluation of teachers. Tribal schools unwilling to include a student achievement component to teacher evaluation will not be eligible for SIG dollars.

2. A description of how the SEA meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes.

The BIE meaningfully engaged and solicited input on its Flexibility Request from other diverse communities as outlined below.

Public – Students and Parents. Students and parents are considered members of the public as defined in the Paperwork Reduction Act (PRA). Similar to teachers in tribally-controlled schools, the BIE cannot collect information using identical questions to 10 or more members of the public, whether

voluntary or mandatory, written, electronic, or oral without prior approval from the Office of Management and Budget (OMB). Again, the Flexibility Request and related materials were posted for public view to the BIE and Interior websites for comment in various formats, which enabled members of the public to be informed about the reform initiative and to submit comments, if they chose to do so.

- Students – BIE-operated and tribally-controlled schools
- Parents – BIE-operated and tribally-controlled schools
- School Boards – BIE-operated and tribally-controlled schools

Organizations. The BIE solicited input from a number of organizations representing various interests. Below is a list of organizations contacted.

- Center on Innovation & Improvement (CII)
- Council of Chief State School Officers (CCSSO)
- Mountain Plains Regional Resource Center
- BIE Special Education Advisory Committee

Federal Employees. Employees of the Federal Government are not considered members of the public and therefore outreach to them for input is not restricted by the Paperwork Reduction Act (PRA).

- Teachers – BIE-operated and tribally-controlled schools
- School Principals – BIE-operated and tribally-controlled schools
- School Superintendents – BIE-operated and tribally-controlled schools
- School Staff – BIE-operated and tribally-controlled schools
- Education Line Officers (22)
- Associate Deputy Directors (3)
- BIE senior management (7)
- BIE staff

Tribal Consultation. The BIE followed Interior’s Policy on Consultation with Indian Tribes to solicit input in the Flexibility Request. Adherence to the policy is intended to contribute toward effective collaboration and informed decision-making fully involving Indian tribes and the government. The general procedure for tribal consultations is to send a Tribal Leader Letter to all tribes which contains all relevant information about the topic for consultation, including consultation locations and dates (see Attachment 2).

The BIE ESEA Flexibility Request was on the agenda for discussion purposes at four tribal consultation sessions sponsored jointly by the Department of the Interior and the Department of Education on the draft Memorandum of Understanding between the two departments and the strategic implementation of the White House Initiative on American Indian and Alaska Native Education established by Executive Order 13592. The tribal consultation sessions were held on the following dates and locations.

May 18, 2012
Lincoln, California
No. attendees: 23

May 24, 2012
Flagstaff, Arizona
No. attendees: 78

May 31, 2012
 Bloomington, Minnesota
 No. attendees: 47

June 5, 2012
 Nashville, Tennessee
 No. attendees: 4

In addition, the Department of the Interior held four formal tribal consultations on the BIE ESEA Flexibility Request at various locations around the country in July of 2012.

Tuesday, July 17, 2012
 Oklahoma City, Oklahoma
 No. attendees: 13

Tuesday, July 24, 2012
 Seattle, Washington
 No. attendees: 8

Friday, July 20, 2012
 Flagstaff, Arizona
 No. attendees: 17

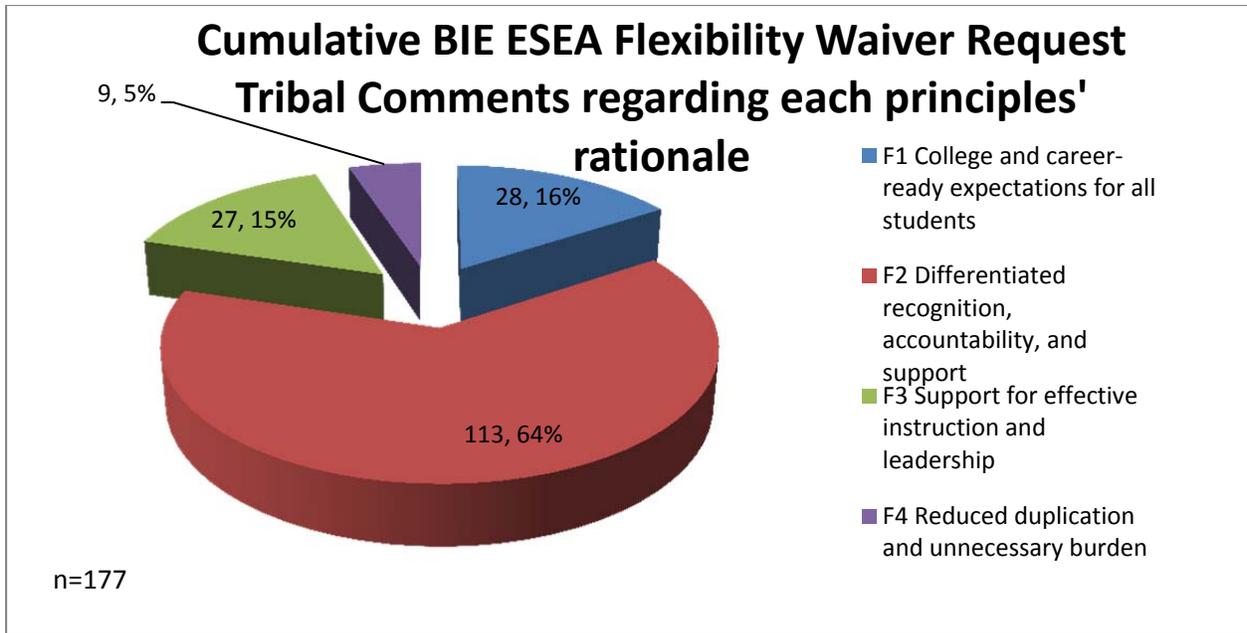
Friday, July 27, 2012
 Bismarck, North Dakota
 No. attendees: 11

The numbers of attendees at each of these sessions includes only tribal leaders and tribal community representatives, excluding a number of federal officials who also attended and occasionally offered input. These meetings were primarily for consulting with tribes.

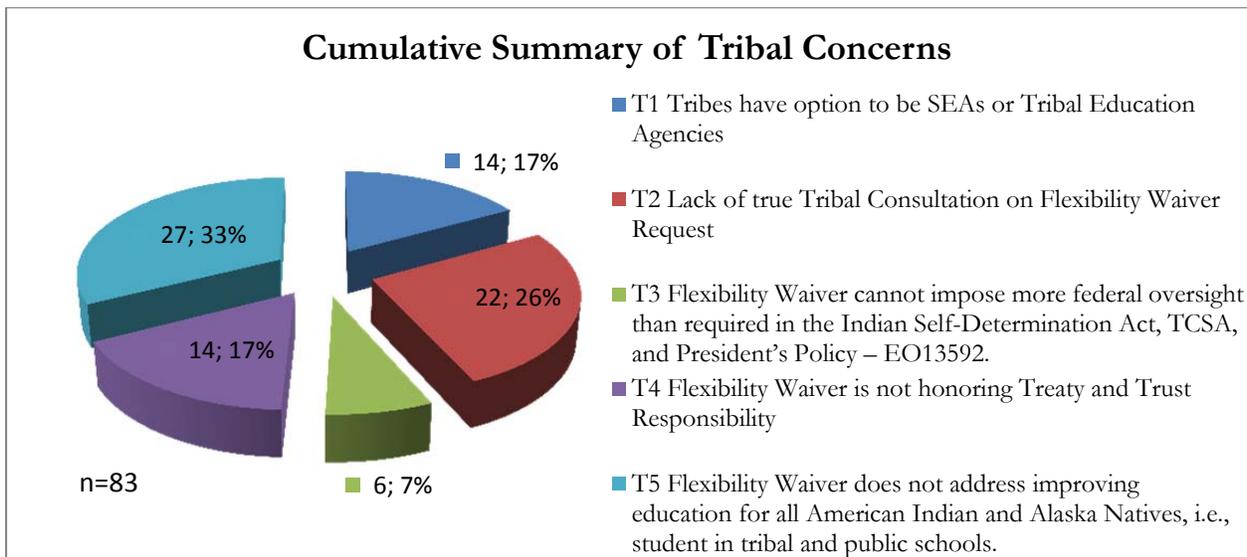
Data collection. A court reporter was present at each session to record input on the BIE ESEA Flexibility Request from tribal leaders and tribal community representatives. In addition, tribal leaders and tribal representatives were invited to submit comments directly. Four documents were submitted either at the Tribal consultations sessions, by mail, or by email.

- Fond du Lac Band of Lake Superior Chippewa and Fond du Lac Ojibwe School
- Mississippi Band of Choctaw Indians
- Duckwater Shoshone Tribe, Chitimacha Tribe of Louisiana, Alamo Navajo School, Board, Inc., and Ramah Navajo School Board, Inc.
- Department of Diné Education, Navajo Nation

Data Analysis. The data from various sources were compiled and analyzed. A full range of responses was provided by various stakeholders. Outlined in the Summary of Stakeholder Comments document in Attachment 2 are the various comments and how BIE has dealt with the comments, either by an immediate response in the chart or in the Flexibility Request or both. See graph below, which depicts a breakdown of responses by Flexibility Request principles.



Both support and opposition to the Flexibility Request were voiced from the tribal community representatives. Most of the comments, however, raised issues in need of clarification.



Two key issues emerged from the tribal leaders:

- 1) The BIE is not eligible for waivers available through a Flexibility Request, because it is not a State Education Agency (SEA) and the Flexibility Request invitation was made only to SEAs.
- 2) The BIE Flexibility request, if granted, can only apply to BIE-operated schools and not tribally controlled schools.

Both issues are explained in the Summary of Stakeholder Comments document and the text of the Flexibility Request has been revised to reflect these explanations. The BIE response from the Summary of Stakeholder Comments documents is provided below.

Item 1. As explained in the BIE Flexibility Request, the same authority cited by the ED to grant waivers to states – ESEA section 9401(d)(1) – also applies to the BIE and is specifically cited in the ESEA governing agreement between the ED and the BIE. While it is true the BIE is not a SEA in the same sense as states, BIE is treated like a state by the ED for the purposes of managing programs and funds provided by the ED. In essence, the BIE is a quasi-SEA and not a true SEA. Consequently, the BIE will submit a Flexibility Request for the September 6, 2012, submission.

Item 2. The BIE Flexibility Request as originally written encompassed both BIE-operated schools and tribally-controlled grant and contract schools. Stakeholder input by several tribes and schools indicated a desire to not be included in the Flexibility Request. In response, the BIE has clarified an already existing option for governing school boards or governing tribes to not participate in the BIE Flexibility Request. 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.

The Flexibility Request addresses specific topics defined by the ED for all states and others applying for waivers. Transition from one type of school to another is not one of the topics requiring an explanation in the Flexibility Request.

However, the BIE can provide an explanation in the Flexibility Request, in response to this issue being raised by a particular tribe as an important consideration.

Item 1 explanation. The issue of the legal basis for BIE to request waivers and for the ED to grant waivers has been resolved in an exchange of letters between the Department of the Interior and the ED.³ The letter from the ED, dated July 5, 2012, provides an unambiguous response to Interior's question:

[Interior:]

Does [ED] have authority under Section 9401 of the Elementary and Secondary Education Act [of 1965] (ESEA), as amended, 20 U.S.C. § 7861, to grant the BIE Flexibility waivers as a State educational agency [SEA] when BIE is carrying out the Activities of [an SEA]?

Response:

Yes. Consistent with section 9204 of the ESEA, in 2005, ED and the U.S. Department of the Interior (Interior) entered into an agreement regarding the distribution and use of certain ESEA Program funds by BIE, including, among others, funds under Title I, Part A; Title II, Part A; Title IV, Part B; Title VI, Part B; and Title VII, Part A, Subpart 1 (2005 Agreement). The 2005 Agreement was amended in 2008 to include the SIG program under section 1003(g) of the ESEA. Additionally, ED and Interior recently reached an agreement on the

³ Letter from Jeffrey Nelson (Interior) to Michael Yudin (Education), dated April 30, 2012, and letter from Deborah S. Delisle (Education) to Jeffrey Nelson, dated July 5, 2012.

terms of a Draft Agreement (Draft Agreement) that is currently being reviewed through tribal consultation and that, when finalized, will replace the 2005 Agreement. The Draft Agreement governs the distribution and use of funds under the programs set forth above, among others.

Both the 2005 Agreement and the Draft Agreement specifically provide that each agreement “extends to [BIE] the same right to seek waivers of ESEA requirements that section 9401 extends to SEAs, LEAs, Indian tribes, and schools.”¹ Accordingly, when the BIE acts as an SEA with respect to one of the programs covered by the 2005 Agreement, or that will be covered by the Draft Agreement, ED has the same authority under section 9401 of the ESEA to grant a waiver to BIE that it has under that provision to grant waivers to any SEA.

¹ The 2005 Agreement refers to BIE by its former name – the Office of Indian Education Programs (OIEP).

Clearly, the BIE has a legal right to seek waivers through a Flexibility Request and the ED has the authority to grant waivers to BIE (see Attachment 12).

Item 2 explanation. The BIE Flexibility Request draft dated April 24, 2012, included both BIE-operated schools and tribally-controlled grant and contract schools. During the consultation and stakeholder input processes, it became apparent that some governing schools and tribes wanted an option of not being included in the BIE Flexibility request.

In response, the BIE has clarified an already existing option for governing school boards or governing tribes to not participate in the BIE Flexibility Request. 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.

(b) School boards or tribal governing bodies may seek a waiver that may include developing their own definition of AYP, or adopting or modifying an existing definition of AYP that has been accepted by the ED. The Secretary is committed to providing technical assistance to a school, or a group of schools, to develop an alternative definition of AYP.

That option will adequately serve the purpose of allowing a school or tribe the option of defining an accountability system or its own design, as long as it is approved by the Department of the Interior and the ED. Related, the Navajo Nation currently has a proposal for an alternative definition of AYP under consideration by Interior and Education, with a decision forthcoming soon.

EVALUATION

The Department encourages an SEA that receives approval to implement the flexibility to collaborate with the Department to evaluate at least one program, practice, or strategy the SEA or its LEAs implement under principle 1, 2, or 3. Upon receipt of approval of the flexibility, an interested SEA will need to nominate for evaluation a program, practice, or strategy the SEA or its LEAs will implement under principles 1, 2, or 3. The Department will work with the SEA to determine the feasibility and design of the evaluation and, if it is determined to be feasible and

appropriate, will fund and conduct the evaluation in partnership with the SEA, ensuring that the implementation of the chosen program, practice, or strategy is consistent with the evaluation design.

Check here if you are interested in collaborating with the Department in this evaluation, if your request for the flexibility is approved.

OVERVIEW OF SEA’S REQUEST FOR THE ESEA FLEXIBILITY

Provide an overview (about 500 words) of the SEA’s request for the flexibility that:

1. explains the SEA’s comprehensive approach to implement the waivers and principles and describes the SEA’s strategy to ensure this approach is coherent within and across the principles; and
2. describes how the implementation of the waivers and principles will enhance the SEA’s and its LEAs’ ability to increase the quality of instruction for students and improve student achievement.

Note to readers: This Overview section is divided into two parts: Part I provides the Overview of SEA’s Request for the ESEA Flexibility. Part II provides an overview of the BIE and explains its uniqueness as an SEA, Focusing on key aspects that impact this ESEA Flexibility Request. A basic premise held by the framers of the ESEA Flexibility Request was that states would be the sole respondents, not a federal agency, such as BIE, with legal authority to submit a Flexibility Request of its own. Our apologies to readers for the length of the overview section, but the BIE Flexibility Request would not be comprehensible without a prologue of some specificity.

Part I: Overview of BIE’s Request for ESEA Flexibility

- Describe the SEA’s comprehensive approach to implement the waivers and principles and describes the SEA’s strategy to ensure this approach is coherent within and across the principles.

The BIE recognizes that a comprehensive and coherent system to improve student achievement and the quality of instruction is a critical need in the BIE’s national school system. BIE-funded schools score significantly lower than national norms in math and especially so in reading. According to a recent study of BIE schools:

BIE students on the whole have lower test scores and lower growth than a national norm population of students. In addition, BIE students in some subjects, grades, and geographic areas have lower growth than a group of students with similar test scores, similar school poverty rates, and similar rural geography.⁴

The significant gap in academic achievement between BIE-funded schools and the national norms in reading and math represents a considerable challenge to BIE’s reform efforts. The BIE is actively defining solutions to enhance current efforts and to devise new approaches to: 1) prepare students for college graduation and career-readiness; 2) ensure schools receive appropriate recognition,

⁴Kingsbury Center at NWEA, *The Bureau of Indian Education: 2009-2010 Baseline Data Report*, February 2011, p. 32. A follow-up study is forthcoming and will be released mid-2012.

accountability, and support; and 3) construct systems for evaluation and support of teacher and principal effectiveness. The BIE's request for an ESEA Flexibility Request is driven by a commitment to increase the quality of instruction and to improve student achievement in BIE-funded schools.

At the center of the BIE's reform approach is the creation of a unified accountability system for all BIE-funded schools. The reason that this component is critical and highlighted is because the BIE – unlike the states – lacks a single, coherent accountability system of standards, assessments, and methodology for calculation of progress. BIE is required, as will be explained, to utilize the respective accountability systems of the 23 states where its schools are located. For this Flexibility Request, the BIE proposes to adopt a single set of academic standards – College- and Career-Ready Standards – along with a uniform set of assessments.

With the proposed Accountability Index serving as the foundation of a comprehensive and coherent accountability system, information will be readily available to provide differentiated recognition, accountability, and support for all schools. In addition to academic indicators, schools also will be measured on nonacademic indicators of attendance and graduation rates. The Accountability Index changes accountability determinations from the NCLB model by giving schools credit for their levels of proficiency and progress, even if they miss set targets. No longer will missing an AMO automatically result in the school failing, and a clearer picture of the school's performance will emerge as a result. But most important, for the first time there will be comparable data for all BIE schools, which will enable BIE to target those schools most in need of intervention and differentiate supports appropriately. BIE's differentiated recognition, accountability, and support system will create incentives and provide support that is likely to be effective in closing achievement gaps for all subgroups of students.

The development of teacher and principal evaluation and support systems will facilitate effective instruction and leadership. Although the BIE will need to address evaluation and support systems differently than states, BIE's effort will strive for systems that increase the quality of instruction for students and improve student achievement. A central focus will be on systematic reviews of the quality of all staff and the determination of effectiveness and the ability to be successful in the turnaround effort. Input from teachers and principals involved will be included in the process, including the employee labor union.

- Describe how the implementation of the waivers and principles will enhance the SEA's and its LEAs' ability to increase the quality of instruction for students and improve student achievement.

Waivers will allow the BIE to move to a unified accountability system, which combined with reform efforts already undertaken by BIE, will help ensure improved quality instruction and student achievement. The BIE has effectively identified major challenges confronting it as a school system and has defined strategies to reform them as a means to improve quality instruction and student achievement. In many cases, the obstacles confronting the BIE are much different than those confronting states, notably the current fragmented accountability system mandated by NCLB-imposed negotiated rulemaking (see below for further explanation). Additional work is needed to turn around BIE-funded schools and to bring them in line with national achievement standards and outcomes. Key components of the BIE's current reform effort include:

- Adoption of uniform College- and Career-Ready academic standards and accompanying assessments. The BIE Flexibility Request refers to these as the Common Core Standards.
- Unifying the BIE accountability system around a single, high quality assessment for mathematics and reading/language arts.
- Using growth models to measure increases in student achievement throughout the academic year.
- Implementing a data-driven model of System of Support services to provide educators with customized professional development, technical assistance, and support.
- Developing leadership competencies of principals, superintendents, and ELOs.
- Implementing a web-based system for organizing school improvement activities built upon indicators of effective practice and aligned to research and evidence of what works (i.e., Native Star/Indistar).
- Creation of a dropout prevention initiative to address the significant dropout problem in many BIE-funded schools.
- Creation of a bureau-wide literacy plan designed to ensure reading competency in all grades.
- Development of a bureau-wide STEM initiative in concert with a Department of the Interior initiative.

The Flexibility Request presents an opportunity for the BIE to effect meaningful reforms that will improve student achievement and the quality of instruction. The BIE will adopt a unified accountability system, with the Common Core Standards serving as the foundation. Common academic assessments will be employed in all BIE-funded schools across 23 states, rather than the current disjointed and incomparable system of 23 states' assessments. The performance of schools will be measured using growth and other academic indicators that meaningfully assess progress toward established targets. BIE's approach to teaching and learning would be standardized and strengthened as a result of reforms implementing common standards, curriculum, instruction, and assessments. Likewise, the new ability to make meaningful comparisons across all BIE schools will enable creation of a system of differentiated recognition, accountability, and support for schools that will promote continuous achievement of all students, close achievement gaps, and improve equity. Finally, the development of teacher and principal evaluation and support systems will facilitate effective instruction and leadership. Together, the BIE's requests for an ESEA Flexibility Request, combined with existing reform efforts, will provide an opportunity for BIE to overcome challenges in implementing an effective school system that provides quality education to Indian students.

Part II: Overview of the Bureau of Indian Education (BIE)

Because the BIE is not an SEA in the normal sense of the term, critical aspects of the laws and regulations governing BIE must be explained to provide outside readers the necessary context to evaluate the BIE's Flexibility Request. The framework of the Flexibility Request is based upon an overriding assumption that the respondents to the Flexibility Request would be states. Questions referring to a state's standards, assessments, institutions of higher education, and other references are grounded in this basic assumption. However, the same authority cited by the ED to grant waivers to states – ESEA section 9401(d)(1) – also applies to the BIE and is specifically cited in the

ESEA governing agreement between the ED and the Department of the Interior.⁵ Information deemed critical to this flexibility request is described succinctly below, as well as restated appropriately in the body of the Flexibility Request. An understanding of the BIE as an organization and the complexities of the BIE school system are necessary to place this Flexibility Request in perspective.

About the Bureau of Indian Education (BIE)

BIE as federal agency. The BIE, within the U.S. Department of the Interior, is a unique school system in the United States. The BIE is a federal agency, which makes it somewhat different than state governments. BIE provides funding to and oversees a nationwide school system. The only other federal agency overseeing a school system is the Department of Defense Education Activity (DODEA), which operates a school system worldwide.

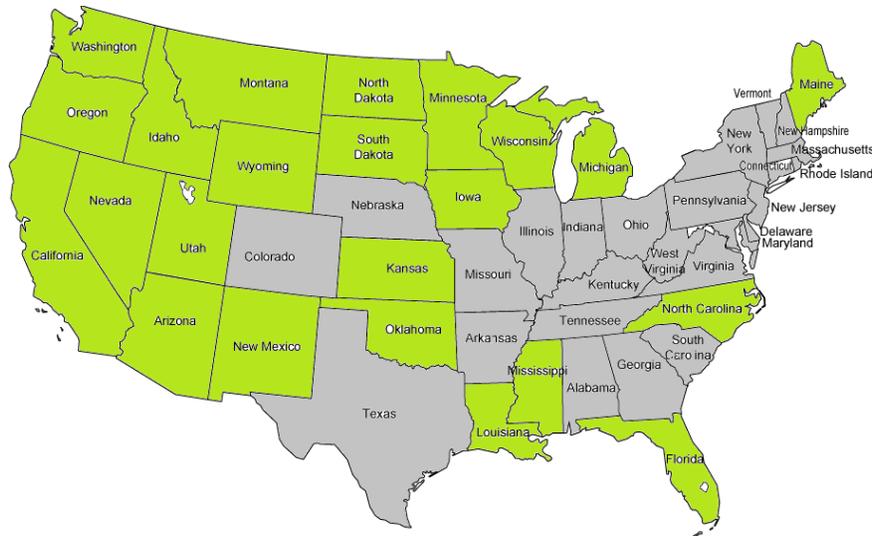
Trust responsibility. Underpinning the BIE school system is the federal trust responsibility of the government to provide educational services to schools serving American Indian tribes. The Federal Government’s trust responsibility to American Indian tribes is well established and has been recognized by courts, by Congress, and by the executive branch. That federal trust responsibility manifests itself in the educational services provided to Indian tribes by the BIE.

Organization of BIE. The BIE is comprised of a central office in Washington DC; a major field service center in Albuquerque, New Mexico; three Associate Deputy Director (ADD) offices located regionally (East, West, & Navajo); 22 Education Line Offices (ELO) located on or near Indian reservations; and schools located in 23 states.

Schools in the BIE system. The BIE is responsible for educating over 45,000 American Indian and Alaska Native students in 174 elementary and secondary academic and residential programs located on 64 reservations in 23 states.⁶ Over 56 percent of students attend BIE-funded schools in just four states: Arizona, South Dakota, New Mexico, and North Dakota.

⁵ The Final Agreement Between the Department of Education and the Department of the Interior (June 30, 2005) extends to BIE “the same right to seek waivers of ESEA requirements that section 9401 extends to SEAs, LEAs, Indian tribes, and schools,” section 8, p. 6.

⁶ The BIE also operates ten peripheral dormitories, which do not have academic programs.



Distribution of BIE-funded Schools by State
(See 23 States shaded in green)

The BIE has schools across the United States, which creates a myriad of management challenges.

Academic programs in BIE-funded schools conform to a variety of grade configurations: K, K-2, K-3, K-6, K-8, K-12, 3-9, 6-8, 7-8, and 9-12. In addition, ten dormitories have no academic programs and only provide residential services. All schools within the BIE educational system have school-wide Title I programs.

Control of Schools. Of the 174 BIE-funded schools, 58 are operated by the Bureau and the remaining 116 are tribally-controlled.⁷ The tribally-controlled schools operate under special legislation, predominantly as grant schools (P.L. 100-297, Tribally Controlled Schools Act of 1988) or as contract schools (P.L. 93-638, Indian Self-Determination and Education Assistance Act of 1975). Federal policy supports tribal self-determination and self-governance, which is manifested in the realm of education by the tribal control of schools.

With approximately two-thirds of the BIE-funded schools under tribal control, the BIE therefore does not directly manage the majority of schools in its system. The fact that the BIE does not directly control schools in its system has profound implications for sweeping reform efforts, which must be considered. The BIE, for example, can only suggest or encourage tribally-controlled schools adopt key policies created by BIE for implementation in BIE-operated schools. A case-in-point is a bureau-wide policy on Suicide Prevention, Early Intervention, and Postvention Policy designed to address a serious suicide problem among American Indian youth, which was mandatory for BIE-operated schools but not compulsory for tribally-controlled schools.⁸ The same is true of all policies developed for BIE-operated schools. Tribally-controlled schools and school boards develop their own policies.

⁷ The mix of BIE-operated and tribally controlled schools may vary by year due to tribes assuming control of schools, and occasionally the BIE reassuming control of a tribal school.

⁸ Bureau of Indian Education, National Policy Memorandum, NPM-EDUC-22.

Personnel management system. As a federal agency, broad authority for personnel matters falls under a separate federal agency, the Office of Personnel Management (OPM), with the various federal agencies (i.e., Interior) exercising some authority and flexibility. Unlike public school systems in states, changes to appraisal systems (i.e., Principle 3) must take into consideration governing federal statutes, regulations, and policies, as well as issues of local tribal control. Although the requirements of the Flexibility Request, with respect to teacher and principal evaluation and support systems, is achievable, the approach taken by BIE to reform its personnel evaluation systems will take a different form than similar efforts mounted by states.

State Institutions of Higher Education (IHE). IHE play a role in the reform initiative under the Flexibility Request. Since BIE is not an SEA in the typical sense of the term and not part of a state education system, it does not have a corresponding State network of Institutions of Higher Education as described in the Flexibility Request. Specifically, BIE cannot:

- Certify that the State’s standards correspond to being college- and career-ready in State IHEs without the need for remedial coursework at the postsecondary level.
- Enter into agreements with the State’s IHEs certifying that students who meet these standards will not need remedial coursework at the postsecondary level.
- Conduct outreach and dissemination of the college-and career-ready standards to the State’s IHEs.
- Work with teacher and principal preparation programs in State IHEs to better prepare incoming teachers and principals.
- Work with the State’s IHEs to grant course credits to entering college students to determine whether students are prepared for postsecondary success.

The BIE does operate two postsecondary institutions: Haskell Indian Nations University (HINU) located in Lawrence, Kansas, and Southwestern Indian Polytechnic Institute (SIPI) located in Albuquerque, New Mexico. HINU has a teacher preparation program, but as far as can be determined, no teacher currently working in BIE-funded schools has received a degree from that institution.

BIE as the SEA. The BIE is the SEA for BIE-funded schools, although the Division of Performance and Accountability is responsible for calculating AYP for BIE-funded schools. A Final Agreement between the ED and the Department of the Interior (June 30, 2005) specifies that the BIE’s “responsibilities are comparable to those of a state educational agency (SEA)” for certain purposes including:

- To provide assistance to bureau-funded schools to help them implement, and, where necessary, to enforce those schools' adoption and use of AYP definitions (including those the schools would adopt under the waiver provision in ESEA section 1116(g)) and the Title I, part A accountability system applicable to bureau funded schools, and
- More generally, to a) monitor the activities and recordkeeping of all bureau funded schools for compliance with applicable programmatic and fiscal requirements; b) document the purpose, scope, and results of such monitoring; c) provide appropriate technical assistance and enforcement measures; d) systematically analyze the results of the LEA audits and other oversight activities to identify trends in findings and improvements in monitoring and

technical assistance strategies, and e) submit performance reports and other information to ED required of all states.⁹

While treated as an SEA for certain purposes by the ED, BIE does not enjoy all the benefits afforded other SEAs, such as full access to funding initiatives (i.e., the reform-oriented Race to the Top Fund). Further, as noted above, it does not exert other kinds of authority over schools conferred to many SEAs by state law.

LEAs in the BIE system. The issue of what constitutes an LEA in the BIE system is complicated by overlapping legal authorities. In practice, the 22 ELOs, in concert with the three ADD offices, serve as the LEAs or districts. However, this arrangement is not codified, although the ELO and Associate Deputy Director duties are defined in the Departmental Manual of the Department of the Interior.¹⁰

While the ELOs under ADD offices essentially serve as LEAs, individual schools in the BIE system also are treated as LEAs. LEAs are defined in various documents. The Final Agreement between the ED and the Department of the Interior (June 30, 2005) outlines SEA activities of the BIE, as well as what constitutes an LEA in the BIE-funded schools system. The agreement states:

For purposes of this Agreement, all bureau-funded schools assume the responsibility of **both LEAs and schools**, except with regard to requirements governing public school choice and supplemental educational services in ESEA sections 1116(b) and (e).¹¹ (emphasis added)

Interestingly, the No Child Left Behind Act of 2001 defines a tribally controlled school as a school and not an LEA. The law states:

The term “tribally controlled school” means a school that—
 (A) is operated by an Indian Tribe or a tribal organization, enrolling students in kindergarten through grade 12, including a preschool;
 (B) is **not a local educational agency**, and
 (C) is not directly administered by the Bureau of Indian Affairs.¹² (emphasis added)

Finally, EdFacts treats BIE-funded schools as both schools and LEAs. All BIE-funded schools have been assigned both school and LEA ID numbers by EdFacts through the Education Data Exchange Network (EDEN), which is a centralized portal through which states submit their educational data to the U.S. ED.

The dilemma for BIE is twofold. One, treating schools as LEAs means that individual schools, many small in size, are responsible for carrying-out LEA activities, which are beyond their organizational capacity. Two, assignment of LEA status to schools undermines BIE’s effort to

⁹ Final Agreement, section D.4, p. 4. In 2006, the Bureau of Indian Education became a separate bureau in the Office of the Assistant Secretary-Indian Affairs. The Office of Indian Education Programs was dismantled. A new agreement between Education and Interior has tentatively been negotiated and following tribal consultation will be signed.

¹⁰ U.S. Department of the Interior, 130 DM 8, 08/29/2006.

¹¹ Final Agreement, section D.6.b.i, p. 5.

¹² Public Law 107-110, Sec. 5212; 25 U.S.C. § 2511.

fulfill LEA responsibilities at the ADD/ELO level. It is hoped that clarity to the situation can be achieved through reauthorization of ESEA.

Accountability system dilemma. The most significant feature distinguishing the BIE school system from states is the way in which BIE implements its accountability system. The No Child Left Behind Act mandated a negotiated rulemaking process to establish how BIE would implement its accountability system. The principal determination of negotiated rulemaking was that BIE-funded schools would be measured against the accountability standards of the respective 23 states where schools were located. The BIE, in other words, would utilize the academic standards, assessments, and adequate yearly progress (AYP) calculation based on 23 states' dissimilar accountability systems.

Each of the states, and the BIE, are required to have an approved Consolidated State Application Accountability Workbook (i.e., state accountability plan), approved by the U.S. ED 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). Each state follows the accountability plan of its own state. However, the BIE follows the accountability plans of the state in which the school is located. While BIE-funded schools follow the accountability plans of twenty-three different states, the responsibility of making determinations about AYP and other aspects of accountability for BIE-funded schools is BIE, specifically the Division of Performance and Accountability (DPA).¹³

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 a burdensome and unnecessarily complex accountability system for the BIE to manage and calculate AYP statuses annually. Moreover, because each state has its own unique accountability system, it is not possible to compare AYP status across states. The great variability of AYP systems nationwide was examined in a joint study of states' accountability systems by the Thomas Fordham Institute and the Northwest Evaluation Association:

NCLB has given states the discretion to establish proficiency cut scores, the required trajectory for improvement, minimum subgroup sizes, and confidence intervals. Our results show that the product of these differences bears no resemblance to a coherent system. Not only do the proficiency cut scores themselves vary greatly, but the variance in improvement trajectories, subgroup sizes, and policies for application of confidence intervals result in wildly different Adequate Yearly Progress results for the schools in our sample.¹⁴

Although the negotiated rulemaking committee was undoubtedly well intended, the committee could not possibly have anticipated the difficulties and inherent wrongness in requiring the BIE to construct an accountability system based upon the widely dissimilar accountability systems of 23 states. Since passage of NCLB, the BIE has labored against a vastly chaotic, yet mandated, accountability 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.

¹³ Approved State Accountability Plans are available at:
<http://www2.ed.gov/admins/lead/account/stateplans03/index.html>.

¹⁴ See Cronin, J., Dahlin, M., Xiang, Y., & McCahon, D. (2009). *The Accountability Illusion*. Thomas Fordham Institute, Northwest Evaluation Association, February 2009, p. 47.

Accountability under waivers. Ironically, the reform-based flexibility waivers that ED is granting to states will pose additional challenges to BIE as the waivers will allow states to move to entirely new and disparate accountability systems beginning in the 2012-2013 school year. This shift by states will further prevent BIE from meaningfully comparing student achievement across all BIE-funded schools.

The question for the BIE is, how does BIE implement 23 accountability systems that have become vastly more complex and data intensive? This scenario is unfolding as more flexibility waivers are granted to states. Currently, four states with BIE-funded schools have received flexibility. An additional 14 of the 23 states have applied for flexibility. In the case of two states where waivers have been granted, BIE's contacts with the State Education Agencies' accountability officers have been clear: the BIE will not be able to replicate the calculations by which the new accountability determinations will be made. The measures of school performance used by the states often involve iterative, statistical processes that are impractical for the BIE to replicate. Further, the different states' assessments are not correlated to one another, which is a longstanding problem for BIE of incomparable data across states and the BIE system. Below is listed the current state of Flexibility Requests.

States with BIE-funded Schools applying for Flexibility		
States	No. BIE Schools	Flexibility Request Status
Arizona	51	Approved
California	2	Will not apply
Florida	2	Approved
Idaho	2	Applied
Iowa	1	Applied
Kansas	1	Approved
Louisiana	1	Approved
Maine	3	Not yet applied
Michigan	2	Approved
Minnesota	4	Approved
Mississippi	8	Approved
Montana	2	Will not apply
Nevada	2	Approved
New Mexico	41	Approved
North Carolina	2	Approved
North Dakota	9	Not yet applied
Oklahoma	4	Approved
Oregon	1	Approved
South Dakota	23	Approved
Utah	1	Approved

Washington	8	Approved
Wisconsin	3	Approved
Wyoming	1	Not yet applied
23	174	Data as of 8/9/2012

The new state accountability systems created by waivers to states will further complicate a fragmented accountability system that already ill-serves BIE students and schools. BIE must manage entirely new and disparate accountability systems beginning in the 2012-2013 school year, which will still leave it unable to target services toward the neediest students and schools, as there will be no uniform set of criteria for ranking schools which are located in so many different states.

LEP and ELL. The BIE functions as an SEA and receives ESEA funds from the ED and must follow No Child Left Behind (NCLB) requirements. Under NCLB schools must identify students who are limited English proficient.

The NCLB definition of a limited English proficient (LEP) student, also known as an English Language Learner (ELL), gives states flexibility in defining the students who constitute the LEP subgroup. For example, a state has the flexibility to define narrowly the LEP subgroup as only those students receiving direct, daily LEP services. A state may also define the group more broadly to include both students receiving direct services and students being monitored based on their achievement on academic assessments.

The BIE serves American Indian and Alaska Native students who are born and raised within the United States but come from linguistically distinct communities in geographically remote areas across the United States. A full continuum of Native language vitality exists in tribal communities. Many of the students who enter the BIE-funded schools are identified as Limited English proficient (LEP), because they are third and fourth generation students born to parents who continue to use their first language but are not proficient in either language. The majority of these students continue to live in the communities where their Native language and culture continue to have significant impact. Native American students are unique in that the student's primary language is English, but generally spoken in a nonstandard dialect as a result of generational, cultural, and language idiosyncrasies.

Approximately 98% of the students who enter BIE-funded schools have sufficient social communication or Basic Interpersonal Communication Skills (BICS) to communicate in English but lack the formal academic language or Cognitive Academic Language Proficiency (CALP) skills necessary to successfully achieve academically. Therefore, the BIE identifies the student as limited English proficient, whether the student has some English or not. BIE identifies students as LEP rather than English Language Learners (ELL), because ELL generally describes students learning English as a second language.

Subgroups. The No Child Left Behind Act required each school and district to define subgroups for the purpose of calculating adequately yearly progress (AYP). Listed below are NCLB subgroups.

NCLB Subgroups
Asian & Pacific Islander

Black
Hispanic
White
American Indian
Free/Reduced lunch
IEP (Special education)
LEP (Limited English proficiency)

The n-size for IEP and LEP subgroups is established by states for the purposes of accountability for AYP and varies by state. As required by NCLB, BIE uses the student subgroup size of the respective 23 states where BIE-funded schools are located.

The student population of BIE does not conform to the above NCLB subgroup model in several respects. Most significant, the BIE’s ethnic population is homogenously American Indian and Alaska Native. Recognizing key differences between BIE and states, the Final Agreement between the ED and the Department of the Interior (June 30, 2005) specified subgroups for use by BIE:

- (i) Each group of students – all students, special education students, and Limited English Proficient students – must have met or exceeded the annual measurable objectives the [BIE] established for making AYP. The purpose of establishing the determination of AYP in this manner was to ensure that 100% of the students are proficient in 12 years.¹⁵

BIE defines the above subgroups for the purpose of accountability: all students, special education students, and Limited English Proficient students. The identification of other sub-groups for AYP purposes is unnecessary and reflected in the agreement.

Small n-size issue. BIE faces a range of challenges where accountability is concerned. In particular for the Flexibility Request, the primary challenge arises from the small size of subgroups and, in some cases, BIE schools. The BIE is comprised of a range of schools from very small schools to relatively large schools, with enrollments ranging from approximately 25 to 1,200. Small schools present a challenge to BIE, similar to many states with rural schools, of sufficient n-size required to calculate AYP. The issue is that sub-groups rarely meet the minimum number required for performing accountability determinations, despite comprising a significant proportion of the student population within a BIE school. Because of small n-size, sub-group AYP determinations have not been regularly calculated in many BIE schools, because the sub-group failed to attain the required minimum n-size. It should also be noted that total student population n-size for some schools is not sufficient to meet n-size requirements (e.g., schools in Arizona and New Mexico).

Specifically in regard to the special education subgroup, BIE schools rarely meet the “minimum number” (“minimum n”) for calculating AYP for this population. Fifty percent of BIE schools have fewer than 15 students receiving special education services who test for accountability purposes. Similarly, small n-size affects the Limited English Proficiency subgroup. Although the primary language of BIE students is English, the challenge facing BIE is in the tremendous variance in English language proficiency. The BIE serves communities where the vast majority (if not the entire population) of students are LEP, thereby rendering comparisons with non-LEP students impossible.

¹⁵ Final Agreement, section D.2.b.i., pp. 2-3.

In closing, the BIE is charged with the important responsibility to provide quality education to Indian tribes. The BIE recognizes the need for bold reforms to address the significant gap in achievement between students attending BIE-funded schools and students in the national norm sample. The BIE is unique among school systems, but despite challenges is committed to designing and implementing effective reforms. Through the Flexibility Request, the BIE has an exceptional opportunity to improve the quality of instruction and to increase achievement for students in BIE-funded schools, thus fulfilling the government's trust responsibility to Indian tribes.

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

1.A ADOPT COLLEGE- AND CAREER-READY STANDARDS

Select the option that pertains to the SEA and provide evidence corresponding to the option selected.

<p>Option A</p> <p><input checked="" type="checkbox"/> The State has adopted college- and career-ready standards in at least reading/language arts and mathematics that are common to a significant number of States, consistent with part (1) of the definition of college- and career-ready standards.</p> <p>i. Attach evidence that the State has adopted the standards, consistent with the State’s standards adoption process. (Attachment 4)</p>	<p>Option B</p> <p><input type="checkbox"/> The State has adopted college- and career-ready standards in at least reading/language arts and mathematics that have been approved and certified by a State network of institutions of higher education (IHEs), consistent with part (2) of the definition of college- and career-ready standards.</p> <p>i. Attach evidence that the State has adopted the standards, consistent with the State’s standards adoption process. (Attachment 4)</p> <p>ii. Attach a copy of the memorandum of understanding or letter from a State network of IHEs certifying that students who meet these standards will not need remedial coursework at the postsecondary level. (Attachment 5)</p>
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1.B TRANSITION TO COLLEGE- AND CAREER-READY STANDARDS

Provide the SEA’s plan to transition to and implement no later than the 2013–2014 school year college- and career-ready standards statewide in at least reading/language arts and mathematics for all students and schools and include an explanation of how this transition plan is likely to lead to all students, including English Learners, students with disabilities, and low-achieving students, gaining access to and learning content aligned with such standards. The Department encourages an SEA to include in its plan activities related to each of the italicized questions in the corresponding section of the document titled ESEA Flexibility Review Guidance for Window 3, or to explain why one or more of those activities is not necessary to its plan.

1.B.1 Does the SEA intend to analyze the extent of alignment between the State’s current content standards and the college- and career-ready standards to determine the similarities and differences between those two sets of standards? If so, will the results be used to inform the transition to college- and career-ready standards?

As explained in the Overview, the BIE is required under its current accountability system to utilize the standards of the 23 states in which BIE-funded schools are located. However, consistent with the adoption by states of the Common Core Standards (CCS), the BIE is likewise transitioning to Common Core Standards. Schools throughout the BIE system have been notified of this transition and will be provided assistance to make this transition.

At this time, the BIE has not entered into formal agreements with either the Partnership for the Assessment of Readiness for College and Career (PARCC) consortium or the Smarter Balanced Assessment Consortium (SBAC). The agreements required for BIE to formally join the consortia and the corresponding purchase of assessments presents challenges for a federal agency that must be considered, specifically in regard to compliance with federal acquisition procedures. However, BIE is actively exploring options to join both consortia in some capacity.

Transition to Common Core Standards

The BIE has developed a plan to transition from the current accountability system to one based upon Common Core Standards (CCS) as the basis for instruction and accountability in BIE schools. The transition to Common Core Standards will occur by SY 2013-2014. Over the next two years, the BIE will build capacity at the state, regional/district (Associate Deputy Director/ELO) and school levels to ensure the transition to CCS increases the quality of instruction in every classroom and raises achievement for all students, including students with limited English proficiency, students with disabilities, and low-achieving students.

The BIE is integrating the transition to Common Core Standards with the implementation of other critical system-wide foundational elements to ensure consistency and uniformity across the schools served by BIE across 23 states. To illustrate the integration of initiatives, for example, the BIE will provide professional development on the Common Core Standards as it rolls out the revised instructional management processes in BIE's Native American Student Information System (NASIS) to teachers. NASIS provides instructors a tool to organize assignments aligned to the standards and evaluate student progress in the classroom. The BIE is also restructuring the teacher evaluation process and will make sure Common Core Standards are a key part of every teacher performance evaluation and the training that goes with each evaluation. Likewise, the BIE is mandating its schools move to curricula aligned to the CCS.

During the summer of 2012, the BIE will be engaged in promoting its community at all levels in awareness and understanding of the system-wide transition plan. The BIE Summer Institute will serve as the catalyst to implementing CCS as a bureau-wide effort. A local, regional approach to rolling out the standards will be a major component of BIE's approach. In the fall of 2012, the BIE will assist its educators in "unpacking" the CCS, reviewing gap analysis reports of the respective states' previous standards and the CCS, deconstructing the CCS, identifying appropriate curricula for their implementation, and providing technical assistance to its schools throughout the academic year to improve student achievement relative to the standards.

As part of the transition plan, the BIE may provide technical assistance through specialist contractors for regional implementation of CSS. It is impractical for the BIE to centrally facilitate the transition from 23 different sets of state standards to the CCS in terms of developing transition plans for each state and providing technical assistance from the SEA level to the schools directly. However, because

states are moving to CCS, regional vendor options are now available to facilitate transition activities to the CCS.

As explained in the overview, the BIE’s accountability system is based upon the accountability systems of the 23 states where its schools are located, which encompasses content standards. The BIE therefore does not have a discrete set of content standards for analysis of alignment to the college-and career-ready standards. Moreover, no attempt will be made to analyze the alignment of content standards of 23 states to the college-and career-ready standards. However, the BIE has a plan to transition from the current accountability system to one based upon college-and career-ready standards.

1.B.2 Does the SEA intend to analyze the linguistic demands of the State’s college- and career-ready standards to inform the development of ELP standards corresponding to the college- and career-ready standards and to ensure that English Learners will have the opportunity to achieve to the college-and career-ready standards? If so, will the results be used to inform revision of the ELP standards and support English Learners in accessing the college- and career-ready standards on the same schedule as all students?

Currently, BIE schools follow the state’s English Language Proficiency (ELP) standards and utilize the state’s English Proficiency Assessment or other “valid and reliable assessment of English proficiency” in accordance with ESEA.¹⁶ By adopting the CCS, BIE is moving in the direction of ensuring that ELP standards-based assessments are aligned to the new CCS. To guarantee linkage between the CCS for academic content and English language proficiency standards, it is recommended that the large scale assessment and the English proficiency assessment are correlated. By aligning the ELP standards and assessment to the CCS, better measures will be implemented for assessing how well English Learners are learning the content needed to fully access the CCS.

To ensure high quality support for English Learners and their teachers, BIE will adopt the WIDA (World-Class Instructional Design in Assessment) Standards in 2013-2014. These standards encompass the vocabulary and academic language of all content areas and clearly delineate language development across all proficiency levels in each academic content area. The WIDA English Language Development (ELD) standards were aligned to the Common Core in 2011 through an alignment study that examined the linguistic demands of the Common Core Standards. The WIDA ELD standards are also aligned with the national TESOL (Teachers of English to Speakers of Other Languages) standards and address specific language development in core content areas. The Common Core Standards, in conjunction with the pre-K-12 WIDA ELD standards, provide a framework for teachers to support instruction for English learners. The ELD standards will ensure Limited English Proficiency (LEP) learners have the opportunity to achieve the BIE’s college- and career-ready standards on the same schedule as all students.

<i>Activity</i>	<i>School Year</i>			
	<i>2011-12</i>	<i>2012-13</i>	<i>2013-14</i>	<i>2014-15</i>
ELD Phase 1: Identify and convene Focus groups throughout BIE regarding specific needs of LEP students in BIE				

¹⁶ ESEA, Public Law 107-110, Subpart 1, Section 3121(a)(2).

ELD Phase 2: Begin reviewing on WIDA ELD Standards for application within BIE				
ELD Phase 3: Professional Development for Schools regarding WIDA ELD Standards				
ELD Phase 4: Schools using WIDA Standards review ongoing Professional Development				
ELD Phase 5: Ongoing Evaluation and Professional Development				

1.B.3 Does the SEA intend to analyze the learning and accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the college- and career-readiness standards? If so, will the results be used to support students with disabilities in accessing college- and career-ready standards on the same schedule as all students?

The BIE will systematically analyze the learning and accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the college- and career-readiness standards. Results of this analysis will be used to support students with disabilities in accessing college- and career-ready standards on the same schedule as all students.

Nearly 15% of school populations within the BIE are students with disabilities; the majority of these students are identified as having a learning disability. Preparation of students with disabilities for a state of readiness to pursue college- or career-ready options will require a range of accommodations and supports. Students with disabilities experience challenges in a broad range of areas. It is important to help students establish connectivity from one concept to another. Consideration must be given to how students may gather information, how students organize and express information, and how students are engaged in learning.

The BIE will ensure that students with disabilities are afforded accommodations that are necessary to access college- and career-ready standards. Instruction must incorporate the supports and accommodations that are necessary for students to achieve success in meeting the Common Core Standards. The supports and accommodations will most readily be defined through the Individualized Education Program (IEP) including statements on present levels of academic achievement and functional performance (PLAAFP) and relevant and appropriate annual goals.

Approaches to Address Accommodations

The Universal Design for Learning (UDL) model is provided as a framework of how supports can benefit a range of learners, including students with disabilities. Currently, teachers are encouraged to use Universal Design for Learning principles in the instructional process. Beginning in SY 2012-2013, information and professional development in UDL principles will be provided to teachers throughout the BIE school system. Resources for accommodations will be included along with existing resources (e.g., manuals, websites).

The National Center on Universal Design for Learning provides a succinct definition of Universal Design for Learning, as follows:

The term Universal Design for Learning means a scientifically valid framework for guiding educational practice that:

- (A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and
- (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.¹⁷

According to the National Center on Universal Design for Learning, Universal Design (UDL):

...is a set of principles for curriculum development that give all individuals equal opportunities to learn.

UDL provides a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone--not a single, one-size-fits-all solution but rather flexible approaches that can be customized and adjusted for individual needs.

Further, UDL is necessary because:

Individuals bring a huge variety of skills, needs, and interests to learning. Neuroscience reveals that these differences are as varied and unique as our DNA or fingerprints. Three primary brain networks come into play:

1) Recognition Networks – The *what* of learning

How we gather facts and categorize what we see, hear, and read. Identifying letters, words, or an author's style are recognition tasks.

2) Strategic Networks – The *how* of learning

Planning and performing tasks. How we organize and express our ideas. Writing an essay or solving a math problem are strategic tasks.

3) Affective Networks – The *why* of learning

How learners get engaged and stay motivated. How they are challenged, excited, or interested. These are affective dimensions.¹⁸

Curriculum is a key concept in the UDL framework. Again, according to the National Center on Universal Design for Learning,

The purpose of UDL curricula is not simply to help students master a specific body of knowledge or a specific set of skills, but to help them master learning itself—in short, to become expert learners. Expert learners have developed three broad characteristics. They are: a) strategic, skillful and goal directed; b) knowledgeable; and c) purposeful and motivated to learn more. Designing curricula using UDL allows teachers to remove potential barriers that

¹⁷ See <http://www.udlcenter.org/aboutudl/udldefined>. This concise definition of Universal Design for Learning was provided by the Higher Education Opportunity Act of 2008 (HEOA).

¹⁸ See <http://www.udlcenter.org/aboutudl/whatisudl>.

could prevent learners from meeting this important goal.¹⁹

Accommodations for students with disabilities, particularly as it relates to college- and career-ready standards, will be individually designed through the IEP process. However, in view of the varying learning challenges that many American Indian and Alaska Native students face in making educational progress leading to graduation, it is crucial that BIE recognize that the principles of universal design (see www.udlcenter.org) can benefit other learners, as readily as students with disabilities.

In addition, the BIE will analyze accommodations that may best support students with disabilities, based on the learning challenges that are reflective of different disabilities. Likewise, accommodations will be afforded to students with disabilities, as needed, when assessments are administered. It is crucial that all teachers of students with disabilities have information relative to the goals, supports and accommodations specified in a given student's IEP. This will necessitate coordinated efforts among multiple teachers within a school in support of students with disabilities.

Other approaches and systems the BIE intends to utilize to analyze the learning and accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the college- and career-readiness standards include the following:

- BIE Advisory Board for Exceptional Children
- BIE Dropout Prevention Initiative
- Annual BIE Special Education Data Summit
- BIE's Integrated Monitoring in Special Education
- IEP module in BIE's Native American Student Information System (NASIS)

BIE Advisory Board for Exceptional Children

The purpose of the Advisory Board is to fulfill the requirements of the Individuals with Disabilities Act of 2004 (IDEA) as it pertains to Indian children with disabilities (P.L. 108-446 § 611 (h) (6)). The Board is comprised of 15 members and meets at least two times a year. The duties of the Advisory Board include the following:

- Advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities in section 611(I) of the Act.
- Assist in the coordination of services within the BIE and with other local, State, and federal agencies in the provision of education for infants, toddlers, and children with disabilities.
- Develop and recommend policies concerning effective inter and intra-agency coordination, including modifications to regulations and the elimination of barriers to inter and intra-agency programs and activities.
- Provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, and children with disabilities.
- Provide assistance in the preparation of information required to be submitted to the Secretary of Education under section 611(I)(2)(D) of the Act.
- Prepare and submit an annual report to the Secretary of the Interior and Congress containing a

¹⁹ See <http://www.udlcenter.org/aboutudl/udlcurriculum>.

description of the activities of the Board for the preceding year. The Secretary shall make this annual report available to the Secretary of Education.

The Advisory Board will address accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the college- and career-readiness standards by facilitating dialogue with other tribal entities to discuss and identify students' needs including accommodations. The Advisory Board, comprised of representatives of different stakeholders (i.e., parents, service providers and content specialists) will present research and will advise educators on best practices and offer recommendations of appropriate accommodations for specific needs, e.g., learning disability, emotional disturbance, intellectual disability and autism. Based on feedback and discussion with stakeholders, the Advisory Board can advise the BIE regarding Indian students with disabilities in BIE-funded schools.

BIE Dropout Prevention Initiative

The BIE has created a dropout prevention initiative to implement effective strategies in the areas of dropout prevention, reentry, and school completion. BIE has developed strategic partnerships with two results oriented organizations in the field of dropout prevention. BIE's approach is based on best practices and evidenced based methodologies.

BIE-NDPC-SD Partnership. The BIE entered into a Cooperative Agreement with the National Dropout Prevention Center for Students with Disabilities (NDPC-SD) to provide training and technical assistance on implementation of effective strategies in areas of dropout prevention, reentry, and school completion models.^[1] Thirteen schools have elected to participate in Cohort I and schools for Cohort II will be selected in the fall of 2012. Each school will establish a team that will participate in training through which they will gain knowledge and skills on designing and implementing their dropout prevention program. Schools will use the evidence-based Dropout Prevention Intervention Framework (DPIF) and will target their efforts on at least two of six areas for intervention: a) school climate, b) attendance, c) behavior, d) academics, e) family engagement, and f) student engagement.

The BIE Dropout Prevention Initiative relates directly to learning and analyzing accommodation factors necessary to ensure that students with disabilities have the opportunity to achieve college- and career-ready standards. Students with disabilities who receive appropriate accommodations are more likely to be successful in school and therefore less likely to drop out of school. The Dropout Prevention Initiative provides training to teachers on how to teach students self-advocacy skills. For example, a self-advocacy skill taught to students with disabilities is being able to identify their disability and knowing what accommodations are appropriate for their individual needs. Self-advocacy skills will help students with disabilities make the transition to college or career paths.

BIE-Jobs for America's Graduates (JAG) Partnership. The BIE also has partnership with Jobs for America's Graduates (JAG), which is a national non-profit organization dedicated to preventing dropouts among young people who are most at-risk. The BIE will join 33 states in establishing Jobs for America's Graduates (JAG) initiative. The JAG program, in coordination with state-based organizations, assists youth to stay in school and graduate, and to secure jobs leading to careers with advancement

^[1] See <http://www.ndpc-sd.org/> for the website of the National Dropout Prevention Center for Students with Disabilities (NDPC-SD).

opportunities.

The JAG program provides training for school staff who provide support to students in areas of employability skills development, job development, job placement services along with support for staying in school. The first cohort of six BIE schools will begin their program activities during the 2012-2013 school year. Three will begin their efforts in fall 2012 and three more in spring of 2013. The schools will partner with the state-based organizations for the training and related supports. This participation by the schools includes hiring of one staff person who will conduct JAG instructional classes and skill development.

The expected outcomes for the schools are to raise the graduation rate along with positive post-school outcomes, like employment, postsecondary education or military. Participation in the JAG Initiative also impacts other areas including decreased disciplinary referrals, increased attendance and improved grades.

Annual BIE Special Education Data Summit

Each April, a data summit is held enabling special education staff and stakeholders to examine and analyze a variety of special education data including the State Performance Plan (SPP) Indicators, Annual Performance Report (APR), criteria for school level of determination, and other information (e.g., correction of noncompliance). During this meeting, participants have an opportunity to advise and comment on data and Focused monitoring activities. The results of the data summit help determine:

- Decision-making for program management and improvement,
- Data usage to Focus on systemic impact and positive education outcomes for all students,
- The criteria to be used in determining the annual school special education levels of determination (for the preceding school year), and
- The onsite Focused monitoring activities for the following school year.

The Special Education Data Summit improves education results for students with disabilities through the examination and analysis of special education, including specific data related to accommodations and college- and career-readiness. To address accommodation factors linked to college- and career-readiness, academic achievement data of students with disabilities is examined. If there are low achievement scores, teachers and administrators are taught to drill down into the data to identify root causes. Areas of weaknesses are identified through data analysis to target instructional strategies and intervention. Multi-year trend data is also examined to assist educators with professional development needs. For example, if the data demonstrates overall weaknesses in an area such as reading comprehension, training for teachers can Focus on providing appropriate accommodations for instruction in that area.

BIE's Integrated Monitoring in Special Education

The primary Focus of BIE's monitoring activities is to address the following areas: a) improve educational results and functional outcomes for all children with disabilities, and b) ensure that program requirements under Part B are met, especially those most closely related to improving educational results for children with disabilities, in accordance with the ED regulations governing state

monitoring and enforcement.²⁰

The BIE Special Education Staff conduct monitoring through data from three processes: (a) Focused Monitoring (on-site visits), (b) Desk Audits on Indicators 11 and 13, and (c) Other sources including ISEP (Indian Student Equalization Program).²¹ In addition, the BIE is implementing a system of fiscal reviews in coordination with the BIE Administration Unit. Recommendations derived from these monitoring processes result in notification of the school if findings of noncompliance have been identified.

The BIE has established a three year monitoring schedule. One-third of the schools will be scheduled for on-site monitoring. Any findings of noncompliance that must be corrected are determined through a desk review using the NASIS web-based data system.

The monitoring process supports the analysis of accommodation factors necessary to support college- and career-readiness. The monitoring process verifies the implementation of accommodations and also collects additional qualitative data through surveys, interviews and document analysis. Monitoring includes examining student files and IEPs to identify required modifications and accommodations. Classroom observations are also conducted to validate the implementation of accommodations for students with disabilities. In high schools, students with disabilities are interviewed to confirm their understanding of their own educational needs. Also, interviews with parents of students with disabilities are conducted to ensure their child is receiving appropriate services and accommodations.

IEP module in BIE’s Native American Student Information System (NASIS)

The BIE utilizes an online IEP module in the BIE’s Native American Student Information System (NASIS) to analyze the learning and accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the college- and career-readiness standards. The NASIS IEP module will assist in the analysis of student IEP goals, the environments in which students receive instruction, accommodations and modifications, types of assessments, and assessment results. The NASIS Special Education module will support educators in understanding patterns of students who take the general assessments, CCS assessments and alternate assessments and in providing transitional interventions that will lead students toward high achievement on CCS assessments and alternate assessments in the future. Ad Hoc reports from NASIS also provide data such as frequency of accommodations used in a classroom, grade and school. Educators can use the reports to analyze the professional development needs of teachers related to instructional strategies by examining the frequency of certain types of accommodations. The BIE provides on-going training and support to educators and parents in developing online Individualized Education Programs (IEPs) based on grade level standards to improve student outcomes.

1.B.4 Does the SEA intend to conduct outreach and dissemination of the college- and career-ready standards? If so, does the SEA’s plan reach the appropriate stakeholders including educators, administrators, families and IHE’s? Is it likely that the plan will result in all stakeholders increasing their awareness of the state’s college- and career-ready standards?

²⁰ See 34 C.F.R. § 300.600(b).

²¹ Indicator 11 states: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline). Indicator 13 states: Percent of youth aged 15 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

The BIE is conducting ongoing outreach to the public and targeted stakeholder groups and will continue to do so to increase awareness as the BIE transitions to CCS. The Common Core Standards were published in 2009 and the BIE began conducting outreach in late 2011 in every region of the BIE to ensure stakeholders are aware of the transition to college- and career-ready standards. The overarching goal of these activities is to foster increased awareness, understanding, and ultimately the adoption of these standards. Detailed information on that outreach effort follows.

Implementation

As the standards are being developed, BIE will solicit feedback on the CCS as well as perceived benefits of raising academic standards to a higher, college- and career-ready, level. During this process, BIE will seek feedback from BIE-funded institutions of higher education as well as from higher education institutions with high Indian student populations within the 23 states where BIE-funded schools are located. BIE will Focus on how the standards might effectively result in students who are prepared for postsecondary education or the workforce, without the need for remediation.

BIE Common Core Standards (CCS) Implementation 4-Year Timeline				
<i>Phase</i>	<i>School Year</i>			
	<i>2011-12</i>	<i>2012-13</i>	<i>2013-14</i>	<i>2014-15</i>
Phase 1: Awareness and understanding, alignment and adoption	→			
Phase 2: Build capacity, collaborate to develop and align resources and materials		→		
Phase 3: Professional Development and classroom transition		→		
Phase 4: BIE-wide implementation through the assessment system				→
Phase 5: Evaluation		→		

Various stakeholders – educators, administrators, school boards, Indian tribes, and families – will be included in an outreach effort. (BIE does not have a state system of Institutions of Higher Education, and therefore does not include this group as a stakeholder.) This phased effort will result in all stakeholders increasing their awareness of the BIE’s college- and career-ready standards.

Phase One: Awareness and understanding, alignment, and adoption

The first goal for the initial year of adoption (2011-2012 and 2012-2013) is focused on educating key BIE stakeholders, including Pre-K-12 educators, early childhood educators, tribal school boards, career and technical educators, higher education faculty, and SEA leadership and staff about the CCS and how they differ from the previous state standards.

The following is a list of representative professional development efforts designed to create awareness and build consensus through presentations, meetings, webinars, and regional conferences:

- March 2012 Advisory Board for Exceptional Children: Overview of CCS and BIE’s implementation plan. The BIE introduced and explained the contents of the flexibility request and elicited feedback from the audience. Audience: 30 Advisory Board Members and Program Specialists
- April 2012 Division of Performance and Accountability presentation: Overview of CCS and BIE’s implementation plan. Audience: 40 Educational Specialists and Program Support Assistants
- April 2012 Associate Deputy Directors Webinar: Overview of CCS and BIE’s implementation plan. Audience: 3 Associate Deputy Directors who oversee 22 Education Line Officers in 3 major regions: East, West, and Navajo.
- April 2012 Associate Deputy Directors and Education Line Officers Webinar: Overview of CCS and BIE’s implementation plan. Audience: 22 Education Line Officers and additional staff.
 - West Region Webinar – 1 Associate Deputy Director, 7 Education Line Offices
 - East Region Webinar – 1 Associate Deputy Director, 9 Education Line Offices
 - Navajo Region Webinar – 1 Associate Deputy Director, 6 Education Line Offices
- April 2012 Association of Navajo Community Controlled School Board (ANNCCSB) Spring Conference: Two sessions at the conference provided an overview of the CCS and BIE’s Implementation timeline. The BIE introduced and explained the contents of the flexibility request and elicited feedback from the audience. Audience: Pre-K-12 educators and administrators, tribal school board members, parents, and community members.
- June 2012 BIE Annual National Summer Institute: Four-day summer institute. Keynote presentation provided an overview of the CCS. Also, CCS overview sessions included BIE’s timeline focused on implications for specific groups, (i.e., educators, administrators, school board members, postsecondary educators and administrators, etc.). The BIE also introduced and explained the contents of the flexibility request and elicited feedback from the audience. Audience: 1,500 BIE educators, school administrators, Education Line Officers, Associate Deputy Directors, school board members, and postsecondary educators and administrators.
- July 2012 – August 2012 Associate Deputy Director and Education Line Officer Webinar: Presentations reviewed frequently asked questions and introduced Phase Two.
 - West Region Webinar – 1 Associate Deputy Director, 7 Education Line Offices
 - East Region Webinar – 1 Associate Deputy Director, 9 Education Line Offices
 - Navajo Region Webinar – 1 Associate Deputy Director, 6 Education Line Offices
- September 2012 BIE CCS Web Page: A page on the BIE’s website will be established to provide educators and other stakeholders with important information and technical assistance for implementing the CCS. The page will include:
 - The English Language Arts and Mathematics Standards and Appendices
 - BIE’s adoption announcement and implementation timeline information
 - Presentations on CCS for public use
 - Multiple links to teacher, administrator, and parent resources for assistance in

- developing curriculum, improving classroom practice, and helping students at home
- Templates and guiding questions for Education Line Office 3-Year Transition Plans, required for every BIE Education Line Office to develop and submit to their Associate Deputy Director

1.B.5 Does the SEA intend to provide professional development and other supports to prepare teachers to teach all students including English Language Learners, students with disabilities and low-achieving students to the new standards? If so, will the planned professional development and supports prepare teachers to teach to the new standards, use instructional materials aligned with those standards, and use data on multiple measures of student performance (e.g., data from formative, benchmark and summative assessments) to inform instruction.

Professional development, and other supports, is a key strategy employed by BIE to prepare teachers to teach all students, including English Language Learners, students with disabilities and low-achieving students to the new standards.

Phase Two: Build capacity, collaborate to develop and align resources and materials

Phase Two will Focus on building capacity and collaboration to develop and align resources and materials for leaders and teachers. This will be accomplished principally through professional development.

Teacher Track

To successfully implement the CCS, teachers must first learn what the standards are and how they are different from what they have taught in the past. Professional development in Phase Two will help teachers gain an understanding of CCS and the expectations for content and understanding at each grade level for math and reading. Teachers will deconstruct the standards at their grade level by examining the CCS to determine key vocabulary; discussing demonstration of mastery of the key concepts; and determining the assessment of a particular standard. Teachers must have an understanding of the learning progression from year to year to fully recognize the rigorous expectations at each grade level. Teachers will spend time collaborating on and creating learning experiences that incorporate quality materials for those standards/objectives in the textbook that do not meet the intent and rigor of the CCS. Embedded in the professional development will be an examination of the theories and methods of “best practice” models that are the foundation for effective lessons.

Teachers will receive training on how to provide differentiated support for all learners including Limited English Proficient learners, Students with Disabilities, Low Achieving Students and gifted and talented students. Teachers will also gain an understanding of how to use formative assessment to ensure students are meeting the learning expectations and ideas to modify instruction for the differentiated learner.

The following is a list of representative professional development efforts designed for teachers and school administrators facilitated by regionally contracted consultants:

- September 2012 – CCS Regional Training for School Administrators and Teacher Leaders
- October 2012 – CCS Regional Training for School Administrators and Teacher Leaders

- November 2012 – CCS Regional Training for School Administrators and Teacher Leaders
- January 2013 – CCS Regional Training for School Administrators and Teacher Leaders

In addition, professional development will be provided in connection with the newly created teacher and principal evaluation and support systems. Training Focusing specifically on the needs of English Language Learners, students with disabilities, and low-achieving students will comprise a special emphasis of professional development.

1.B.6 Does the SEA intend to provide professional development and supports to prepare principals to provide strong, supportive instructional leadership based on the new standards? If so, will this plan prepare principals to do so?

Similar to teachers, BIE will employ professional development and supports to prepare principals to provide strong, supportive instructional leadership based on the new standards.

Leadership Track

The role of the instructional leader at each site is to support teachers in their understanding of CCS, including a clear understanding of what the student is expected to learn, the necessary pedagogical practices that need to be developed and implemented, and effective techniques for delivering instruction and assessing student learning of the standard. Instructional leaders are necessary for monitoring and supporting implementation and in establishing communities of professional practice for sustained adult learning Focused on student learning of the CCS. Instructional leaders will support and monitor teachers by creating and analyzing data. Leaders will be trained to help teachers grow in weak areas and promote collaboration using various data points and best practices, which will include building, leading, and observing effective communities of professional practice that will span a continuum of improvement over time.

Leaders will participate in regional CCS training four times a year:

- September 2012 – CCS Regional Training for Associate Deputy Directors, Education Line Officers, and School Administrators
- October 2012 – CCS Regional Training for Associate Deputy Directors, Education Line Officers, and School Administrators
- November 2012 – CCS Regional Training for Associate Deputy Directors, Education Line Officers, and School Administrators
- January 2013 – CCS Regional Training for Associate Deputy Directors, Education Line Officers, and School Administrators

BIE Principal Leadership Academy

The purpose of the BIE Principal Leadership Academy (PLA) is to prepare principals to achieve rapid and sustained improvement of their schools by providing them with training, mentoring, and support.

A major theme that will be incorporated throughout the BIE PLA is Instructional Leadership based on the CCS. The training will focus on the principal's role in setting direction, managing change, engaging people, and improving instruction. The mentoring and support will ensure that training is effectively translated into practice. Principals successfully meeting the requirements of the program will be certified as Rapid Improvement Leaders. Certified Improvement Leaders will be eligible to serve as Rapid Improvement Mentors for subsequent cohorts of principals.

Research suggests that successful school leaders influence student achievement in several important ways, both through their influence on other people or features of their organization, and through their influence on school processes. Below is a general expectation of skills necessary for BIE principals to embrace and utilize to impact student achievement, which are embodied in the Principal Leadership Academy. Specifically, the goals of the Principal Leadership Academy are:

- Goal 1. **Content:** BIE will develop a training and support curriculum along with protocols that will effectively prepare in-service principals to lead the rapid improvement of their schools.
- Goal 2. **Standards:** BIE will establish rigorous training and implementation standards as criteria for principals earning recognition as Certified Rapid Improvement Leaders.
- Goal 3. **Delivery:** BIE will deliver the one-year PLA program to two cohorts of principals, reaching a total of 100 principals.
- Goal 4. **Output:** Seventy-five percent of the principals who enter the Principal Leadership Academy will earn recognition as Certified Rapid Improvement Leaders.
- Goal 5. **Outcome:** Schools whose principals earn recognition as Certified Rapid Improvement Leaders will achieve gains on NWEA MAP assessments in reading and mathematics of at least 20 percentage points in the two years following the principal's entry into the Academy.

Management Team

Provides project leadership and direction

Project Manager: Stanley Holder, Special Assistant,
DPA, BIE
Roxanne Brown, Associate Deputy Director, BIE
Bart Stevens, Associate Deputy Director, ADD
Charles (Monty) Roessel, Associate Deputy Director,
BIE

Design Team

*Creates Content Framework
Critiques Certification Criteria
Recommends Candidates for Certification*
Team Leader: Sam Redding, Center for Innovation and
Improvement (CII)
Kenneth Wong, Brown University
Lauren Morando Rhim, Consultant
Roger Quarles, Boise State University
Maureen Mirabito, Maryland SEA and Consultant

Development Team

*Creates Materials
Recommends Certification Criteria
Trains Instructors and Mentors*

Team Leader: Pam Sheley, Center for Innovation and
Improvement (CII)
Donna McCahon, Northwest Education Association
(NWEA)
Carol Chelemer, Consultant
Maureen Mirabito, Maryland SEA and Consultant
Sam Redding

Instruction and Mentoring Team

*Trains Principals
Monitors Principal's Implementation
Mentors Principals*
Instructors drawn from other three teams
Mentors from BIE personnel

The Principal Leadership Academy will be directed by a project manager, a core management team, and designed, developed, and delivered by three teams.

1.B.7 Does the SEA propose to develop and disseminate high-quality instructional materials aligned to the new standards? If so, are the instructional materials designed (or will they be designed) to support the teaching and learning of all students, including English learners, students with disabilities, and low achieving students?

BIE will develop and disseminate high-quality instructional materials aligned to the new standards. The instructional materials will support the teaching and learning of all students, including English learners, students with disabilities, and low achieving students.

Phase Three: Professional Development and Classroom Transition

During Phases Two and Three, CCS Regional and School Level Training will continue to support the implementation of the CCS. The BIE will emphasize the development of high quality instructional materials starting with the training of teachers in the implementation of the Common Core Standards. The BIE's contract for training teachers requires that the training materials be made available to the teachers for their use as the school year progresses. Supplemental training on the standards and their implementation using the BIE's student information system will also lead to the sharing among educators of materials related to Common Core implementation in the form of shared lesson plans, assignments, and materials.

Another avenue for the creation and provision of high quality instructional materials stems from BIE's evaluation of curricula for the purpose of identifying recommendations for BIE schools. Implementation of the Common Core requires a critical examination of the available curricula and the degree to which they align with the standards. Curricular materials will only be high quality to the degree they are supportive of instruction aligned with the Common Core. The BIE (SEA-level) intends to undertake reviews of available curricula for the purpose of recommending ones that align with the Common Core.

Resources on technical aspects of the standards to support schools and Education Line Offices will be created. Training will continue to include the development of scope and sequence documents, design of Units of Study, and curriculum development around English Language Arts and Mathematics CCS.

Science, Technology, Engineering, and Mathematics (STEM)

BIE will partner with professional organizations to provide content specific information on the standards for teachers and administrators. For example, in the area of Science, Technology, Engineering, and Mathematics (STEM), the BIE will continue to work with partners such as National Aeronautics and Space Administration (NASA) Goddard. NASA has presented at the last three BIE Summer Institutes to offer technical assistance regarding expertise on science curriculum and teaching activities to BIE school teachers and administrators. NASA also has provided summer teacher professional development workshops in Greenbelt, Maryland, regarding teacher development in STEM direct instruction.

In addition, the BIE, as a part of the Department of the Interior, will participate with the U.S. Department of the Interior's STEM Education and Employment Pathways Program. The program is

developing a Strategic Plan for FY 2013-FY 2018. The DOI STEM Initiative is designed to strategically align existing resources, leverage current programs, and expand partnerships to strengthen education and career pathways.

The ***Vision*** for the Department’s STEM Education and Employment Pathways Strategic Plan is:

- To build a science-literate public and prepare professionals from all backgrounds who understand and value the role of science and science inquiry in the stewardship of America’s natural resources and cultural heritage.

The ***Mission*** is to:

- Build an inclusive 21st Century workforce and increase science literacy by connecting the public with the nation’s natural and cultural resources through outdoor developmental experiences and long-term engagement, education, employment, and service in support of public lands and waters. Through these actions, advance the science, engineering, and technology that inform natural resource management and decision making on critical issues impacting our globe.

The STEM Education and Employment ***Five-Year Goal*** is:

- Young people, especially those typically underrepresented in STEM fields of study, become scientifically literate ambassadors for our natural and cultural heritage and become inspired to choose career paths at the U.S. Department of the Interior or related agencies and partners.

BIE’s various partnerships will help BIE’s STEM initiative, which encompasses building the capacity of teachers, the development of instructional materials, and creating opportunities for student learning experiences.

BIE Literacy Team

The BIE is developing a bureau-wide Literacy Plan as a part of the implementation of a Striving Readers Comprehensive Literacy Program grant received by the U.S. ED. The Striving Readers Comprehensive Literacy grant is Focused on advancing literacy skills for students from birth through grade 12, including limited English proficient students and those with disabilities. The Literacy Team will inform the BIE’s work with literacy Pre-K through adult education, taking into account the Common Core Standards in English Language Arts. The Literacy Team is comprised of Associate Deputy Directors, Education Line Officers, education specialists, and school administrators.

Native American Student Information System (NASIS)

The NASIS Lesson Plan and Grade book modules provide online tools for classroom teachers and administrators onsite to support Common Core Standards. In addition, ADD/ELO (district), and state level staff may access data as needed to support schools. The tools include instant access to data on student attendance and academic achievement; access to the Common Core Standards; and lesson plans aligned to Common Core Standards. Teachers can develop their own lesson plans and share with others onsite, district-wide, or across the BIE. BIE NASIS staff will provide professional development to classroom teachers on how to use the NASIS module. BIE emphasizes the alignment of content, curriculum, and lesson plans in each of the professional development activities related to NASIS. Bureau-wide training will continue to be Focused on the Common Core Standards and lesson plan

alignment will be ongoing.

Phase Four: BIE-wide implementation through the assessment system

The implementation of the assessment will be bureau-wide and will commence in SY 2012-2013. At the end of each academic year, BIE schools will assess students using the NWEA MAP “blended model” for the end of year accountability assessment. The blended MAP fulfills the requirements of ESEA. The test is both standards-based and computer-adaptive, and provides meaningful information on student growth and achievement. All schools within the BIE will be required to use the BIE assessments for accountability purposes.

The assessment vendor, NWEA, selected by the BIE provides formative assessments currently aligned to the standards of the states where the districts are located. NWEA also provides assessments that are aligned with the Common Core Standards and is engaged in development efforts to enhance the depth and breadth of these offerings in terms of item types to reflect the depth and breadth of the Common Core Standards. Discussed in more depth in Section 1.C, the assessment is of sophisticated design and form, and can accurately assess student achievement and growth relative to the Common Core Standards at each grade level. The use of an assessment that is aligned to the Common Core facilitates BIE’s implementation of the Common Core Standards in the classroom since, despite best efforts to avoid this, educators have a tendency to “teach to the test.”

2013-2014: Students take the new CCS Assessment

- Student Growth Target is established
- BIE issues School Accountability Determinations (Growth Model Only)

2014-2015: Students take the new CCS Assessment

- Students are measured against Growth Targets
- Students are measured by Student Proficiency
- BIE issues School Accountability Determinations (Full Model)

Phase Five: Evaluation (applies to all implementation phases)

The BIE will seek to strengthen the quality of the CCS implementation and improve outcomes for the students they serve through assessment and evaluation of the CCS roll-out. BIE will monitor the progress of the CCS implementation by analyzing quantitative and qualitative data related to the CCS implementation goals, processes, and outcomes.

1.B.8 Does the SEA plan to expand access to college-level courses or their prerequisites, dual enrollment courses, or accelerated learning opportunities? If so, will this plan lead to more students having access to courses that prepare them for college and a career?

BIE plans to expand access to college-level courses or their prerequisites, dual enrollment courses, or accelerated learning opportunities, with the intended outcome of more students having access to courses that prepare them for college and a career.

However, creating access to college-level courses is a challenge for BIE, since it is a federal agency and not part of a state education system. Individual BIE high schools are able to enter into agreements

with neighboring colleges for dual enrollment purposes, but success has been limited. Some high schools have partnered with tribal colleges and universities, but a complaint of the tribal colleges is the BIE schools have no existing mechanism for cost sharing with the colleges. In regard to accelerated learning opportunities, BIE schools have difficulty recruiting and retaining teachers in rural, isolated environments, especially to teach accelerated courses for a small number of students.

Despite these challenges, there are some examples of BIE high schools expanding access to college-level courses, college prerequisite courses, dual enrollment courses, or accelerated learning opportunities. An example of a BIE high school offering college-level courses, college prerequisite courses, Advanced Placement (AP) courses, and dual enrollment is the Santa Fe Indian School. The Santa Fe Indian School is located in Santa Fe, New Mexico. The Santa Fe Indian School offers AP English III and IV, AP Calculus Exam, AP World History, and AP U.S. Government and Politics. The high school also provides access to dual enrollment courses through the Northern New Mexico College for classes in Navajo I and II, Engineering, Video Production, and Auto Mechanics.

Some high schools, such as Sherman Indian High School in Riverside, California, currently have partnerships with local colleges and universities and are working towards offering dual enrollment courses. Faculty and students from Loma Linda University frequently make presentations to students in the Health Career Pathway and are exploring ways to offer dual credit courses in the health and science classes. Additionally, Sherman Indian High School has a partnership with Western University of Health Sciences. Western University of Health Sciences has been operating a Saturday Academy for students for several years. This year it expanded to include Sherman Indian High School students as well.²² Sherman Indian School plans to expand and use the Western University program as a springboard for offering dual enrollment courses related to STEM.

It is the intent of BIE to enter into further agreements between BIE high schools and local universities and colleges. Associate Deputy Directors, Education Line Officers, and BIE high school communities working with colleges and universities will accomplish this partnership effort.

Also under consideration is the possibility of offering dual enrollment courses and accelerated learning opportunities via distance learning on a regional or national basis. Two technology initiatives in BIE are exploring these options. One is an ad hoc group in School Operations, which is developing a technology plan to address these and other issues. Another is a specific Focus in the Division of Performance and Accountability to examine deployment of IT resources to best fulfill BIE's mission to provide quality education services to Indian tribes. The perspectives and expertise of these two groups is slightly different, but their work will come together at a later date into a joint effort.

1.B.9 Does the SEA intend to work with the State's IHEs and other teacher and principal preparation programs to better prepare: Incoming teachers to teach all students, including English language learners, students with disabilities, and low-achieving students to the new college- and career-ready standards; and incoming principals to provide strong, supportive instructional leadership; on teaching the new standards? If so, will the implementation of the plan likely improve the preparation of incoming teachers and principals?

As explained previously, BIE is a federal agency with schools located in 23 states and is not part of a state education system. Consequently, BIE has no single IHE system for collaboration regarding

²² See <http://www.westernu.edu/ladder-lebanon/news.php> and http://wsprod.westernu.edu/news/nr_detail.jsp?id=13023.

teacher and principal preparation. Moreover, BIE as an SEA exerts no control over states' IHEs.

While BIE operates two post-secondary institutions – Haskell Indian Nations University (HINU) located in Lawrence, Kansas and Southwestern Indian Polytechnic Institute (SIPI) located in Albuquerque, New Mexico – neither of these two institutions is a primary provider of teacher and principal preparation. Data suggests that teachers in BIE-funded schools obtain their training from respective state IHEs. HINU has a teacher preparation program, but data does not support the notion that teachers in BIE-funded schools are products of that program. SIPI is a two-year college and therefore does not offer baccalaureate teacher preparation or certification. Similarly, principals in BIE-funded schools receive their principal preparation and certification from their respective states' IHE. Regarding teacher and principal preparation, BIE is at a disadvantage compared to states.

1.B.10 Does the SEA plan to evaluate its current assessments and increase the rigor of those assessments and the alignment to the State's college- and career-ready standards, in order to better prepare students and teachers for the new assessment through one of more of the following strategies:

- *Raising the State's academic achievement standards on its current assessments to ensure that they reflect a level of postsecondary readiness, or are being increased over time to that level of rigor?*
 - *Augmenting or revising current State assessments by adding questions, removing questions, or varying formats in order to better align those assessments with the State's college- and career-ready standards?*
 - *Implementing another strategy to increase the rigor of current assessments, such as using the "advanced" performance level on State assessments instead of the "proficient Performance level as the goal for individual students performance or using college-preparatory assessments or other advanced tests on which IHEs grant course credits to entering college students to determine whether students are prepared for postsecondary success?*
- *If so, is this activity likely to result in an increase in the rigor of the State's current assessments and their alignment with college- and career-ready standards?*

As previously mentioned, BIE's accountability system is based upon the assessments of the 23 states where BIE schools are located. BIE does not have an assessment of its own for the purpose of AYP calculation. It is therefore not possible for BIE to conduct an evaluation of its "current assessments."

However, the BIE is procuring for all of its schools an assessment that will be aligned to the Common Core Standards in SY 2012-2013. The assessment will be computer-based and aligned to the Common Core Standards for reading/language arts and mathematics. The assessment will be administered to all students in all grades within the BIE (including K-2), and will provide for the measurement of student growth. The assessments are intended as an interim solution, until PARCC and SBAC assessments are available.

BIE will work with the interim assessment vendor to increase the rigor of the assessments and the alignment to the State's college- and career-ready standards by providing resources to add questions to the interim vendor's item bank. The BIE intends on developing new test items that assess process (what students can do), in addition to knowledge. The intent with all item development efforts will be to maximize the extent to which higher order cognitive skills are assessed with each test item in accordance with the Common Core Standards' specifications. The BIE will not be unique in this regard as no assessment currently measures the Common Core as robustly as the standards themselves actually describe.

The BIE intends to establish uniform academic achievement standards for all students served by the BIE. The BIE will ensure that these standards reflect a level of postsecondary readiness by conducting a rigorous Standard Setting process. The BIE standards will be established using the modified Bookmark technique, the most common technique for setting rigorous academic standards.²³ The Bookmark procedure will be executed for each subject at each grade level (K-10) by a team comprised of an experienced psychometrician and several teachers that teach the subject and grade being evaluated. High school-level subjects in the upper classes will have standards set for them reflective of the courses in which the student has participated (end of class as opposed to general subject area assessments will be administered). The teachers will be recruited from across the 23 states served by the BIE in order to ascertain a representative sample of expert opinions as to the performance of students served by the BIE. As part of standard setting, the teachers will be trained on the academic standards being evaluated and the process of standard setting.

Standard setting will occur following the spring of 2013 testing in order to have sufficient data to support the modified Bookmark procedure. The resulting standard setting will produce academic achievement standards necessary to report proficiency status at three levels, basic, proficient, and advanced.

A detailed description of the development of BIE's interim assessment is provided in Section 1.C.

1.B.11 Does the SEA intend to analyze the factors that need to be addressed in preparing teachers of students with disabilities in a State's alternate assessment based on modified academic achievement standards in order to ensure these students can participate in the assessment that will be aligned with college and career-ready standards?

The BIE will analyze factors that need to be addressed in preparing teachers of students with disabilities in alternate assessment based on modified academic achievement standards to ensure students can participate in the assessment that will be aligned with college- and career-ready standards. All BIE teachers are involved in this matter since the general education curricula and classroom provide the primary instruction with Special Education services and support. To prepare students with disabilities to achieve on Common Core Standards teachers must understand the appropriateness of academic standards for students requiring Special Education services. The identification of student levels of performance and their measurement involve the use of appropriate on-grade-level standards, whether they are regular, alternate or modified.

The BIE will use alternative assessments that reflect the Common Core Standards. Alternative Portfolio Assessment will be used in most situations with options to include modifications of testing when required. Alternative assessments will require flexibility in areas including structure and format of assessments. Further, the BIE will develop alternate assessment policies to meet needs of students with significant disabilities who cannot participate in statewide assessments even with accommodations.

The initial roll-out of the Common Core Standards (“unpacking”) training will be based on standardized training modules. The design of these modules will assist educators in identifying factors involved with the learning process for students requiring Special Education services.

²³ Lewis D.M., Mitzel, H.C., Green, D.R. (1996). “Standard Setting: A Bookmark Approach.” In D. R. Green (Chair), IRT-Based Standard-Setting Procedures Utilizing Behavioral Anchoring. Symposium presented at the 1996 Council of Chief State School Officers 1996 National Conference on Large Scale Assessment, Phoenix, AZ.

Further SEA-level Special Education Program Activities include webinars, school site visits, NASIS training, Special Education Data Summits and National BIE Summer Institutes.

1.B.12 Does the SEA propose other activities in its transition plan? If so, is it likely that these activities will support the transition to and implementation of the State's college- and career-ready standards?

States are allowed to supplement the Common Core Standards with an additional 15% of state-specific standards, at their discretion. Furthermore, although standards in science and social science are being considered, the Common Core's Standards currently address only English Language Arts and mathematics. Effectively integrating all content areas into instruction is essential for students to receive a comprehensive education.

Under present statute, the BIE makes available to tribally-controlled schools the option of Alternative Definition of Adequate Yearly Progress (AYP) in accordance with 25 C.F.R. § 30 as a means to incorporate tribally developed standards. However, the standards for adoption of the Alternative AYP definition set by the statute are exceedingly high and none have met with approval thus far.

The BIE proposes that tribes be allowed to craft indicators that reflect their values that satisfy the Alternative AYP mandates. By refining the areas affected by Alternative AYP, the BIE would simplify the process by which the accountability system could be customized to suit the needs of the tribes BIE serves. BIE schools would have the option of requesting to exercise the 15% flexibility of the Common Core Standards while continuing to follow the BIE's accountability system for the core academic subject areas. The BIE would provide technical assistance to the schools in the areas of standards and assessment. Local tribal community interests might include the development of standards and assessments related to tribal government, tribal history, tribal language, etc.

1.C DEVELOP AND ADMINISTER ANNUAL, STATEWIDE, ALIGNED, HIGH-QUALITY ASSESSMENTS THAT MEASURE STUDENT GROWTH

Select the option that pertains to the SEA and provide evidence corresponding to the option selected.

<p>Option A</p> <p><input type="checkbox"/> The SEA is participating in one of the two State consortia that received a grant under the Race to the Top Assessment competition.</p> <p>i. Attach the State’s Memorandum of Understanding (MOU) under that competition. (Attachment 6)</p>	<p>Option B</p> <p><input checked="" type="checkbox"/> The SEA is not participating in either one of the two State consortia that received a grant under the Race to the Top Assessment competition, and has not yet developed or administered statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs.</p> <p>i. Provide the SEA’s plan to develop and administer annually, beginning no later than the 2014–2015 school year, statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs, as well as set academic achievement standards for those assessments.</p>	<p>Option C</p> <p><input type="checkbox"/> The SEA has developed and begun annually administering statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs.</p> <p>i. Attach evidence that the SEA has submitted these assessments and academic achievement standards to the Department for peer review or attach a timeline of when the SEA will submit the assessments and academic achievement standards to the Department for peer review. (Attachment 7)</p>
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1.C Did the SEA develop, or does it have a plan to develop, annual, statewide, high-quality assessments, and corresponding academic achievement standards, that measure student growth and are aligned with the State’s college- and career-ready standards in reading/ language arts and mathematics, in at least grades 3-8 and at least once in high school, that will be piloted no later than the 2013–2014 school year and planned for administration in all LEAs no

later than the 2014–2015 school year, as demonstrated through one of the three options below? Does the plan include setting academic achievement standards?

The next generation of assessments aligned with the new standards is under development to advance essential skills that promote critical thinking, problem solving, and the application of knowledge. BIE, like the states, is awaiting the assessments being developed by the two consortia, so that evaluation of those assessments can take place.

- BIE will adopt interim assessments for all BIE-funded schools beginning in SY 2012-2013 and through SY 2013-2014, until national assessments are available for evaluation by BIE.
- Assessments will measure **student achievement** and **within-year student growth** in grades 3-10 for accountability purposes, but data will be available for all students taking the tests.
- In SY 2014-2015, either the interim assessment or one of the two consortia assessments will be adopted by BIE.
- Aligned CCS and ELP assessments will be adopted and administered.

The BIE's Transitional Assessment Plan

The BIE has procured an assessment for all of its schools that will be aligned to the Common Core Standards for reading/language arts and mathematics. The assessment will be administered in SY 2012-2013 to all students in all grades within the BIE (including K-2 and 11-12), and will provide for the measurement of student achievement and growth.

The assessment is computer-based and adapts to the performance level of the student. The assessment strategy is called computerized adaptive testing (CAT) and is widely used in large-scale standards-based assessments. There has been over 50 years of research conducted on operational CAT systems demonstrating their psychometric soundness and equivalency, or in most cases superiority, to other testing modalities.

The testing system is comprised of a set of item banks that have been calibrated using Item Response Theory (IRT), the psychometric framework used by the vast majority of large scale testing programs in the world. When the items of a calibrated item bank are administered to students using a CAT modality, the equivalency of tests is maximized thereby ensuring fairness for all students being assessed. Because the test adapts to each student being tested, the quality of the assessment for low performing and high performing students is also maximized. In addition, the CAT testing system maximizes the reliability of test scores and placement decisions.

The BIE intends to implement an interim assessment to transition to full alignment with the Common Core Standards. The intent of the interim assessment is to measure student growth and determine grade level proficiency. The BIE has contracted with Northwest Evaluation Association (NWEA) to use NWEA's Measures of Academic Progress (MAP) to measure student growth and use NWEA's blended assessment to determine grade level proficiency. Over a two-year period (SY 12-13 & SY 13-14), BIE will transition from the current system of using assessments aligned to states' standards in 23 states to a comprehensive assessment system aligned to Common Core Standards. The MAP will be the transitional assessment system used by the BIE for accountability purposes until the BIE issues a contract competition in 2014 for an assessment aligned to the

Common Core Standards (CCS) for use in school year 2014-2015. The contract competition will coincide with the public availability of the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC) assessments, although the competition will be open to all vendors. See transition plan in chart below.

School Year 2012-2013				
Term	Assessment	Grades	CCS Aligned	Subjects
Fall 2012	MAP for Primary Grades	K-2	Yes*	Reading, Mathematics
	MAP interim assessment	3-12	Yes*	Reading, Language Usage, Mathematics
	MAP interim assessment	3-12	No	Science
Winter 2013	MAP for Primary Grades	K-2	Yes*	Reading, Mathematics
	MAP interim assessment	3-12	Yes*	Reading, Language Usage, Mathematics
	MAP interim assessment	3-12	No	Science
Spring 2013	MAP for Primary Grades	K-2	Yes*	Reading, Mathematics
	MAP blended assessment	3-10	Yes*	Reading, Language Usage, Mathematics
	MAP interim assessment	11-12	Yes*	Reading, Language Usage, Mathematics
	MAP interim assessment	3-10	No	Science

School Year 2013-2014				
Term	Assessment	Grades	CCS Aligned	Subjects
Fall 2013	MAP for Primary Grades	K-2	Yes*	Reading, Mathematics
	MAP interim assessment	3-12	Yes*	Reading, Language Usage, Mathematics
	MAP interim assessment	3-12	No	Science
Winter 2014	MAP for Primary Grades	K-2	Yes*	Reading, Language Usage and Mathematics
	MAP interim assessment	3-12	Yes*	Reading, Language Usage, Mathematics
	MAP interim assessment	3-12	No	Science
Spring 2014	MAP for Primary Grades	K-2	Yes*	Reading, Mathematics
	MAP blended assessment	3-10	Yes*	Reading, Language Usage, Mathematics
	MAP interim assessment	11-12	Yes*	Reading, Language Usage, Mathematics
	MAP interim assessment	3-10	No	Science

School Year 2014-2015				
Term	Assessment	Grades	CCS Aligned	Subjects
Fall 2014	Fully aligned CCS assessment	K-12	Yes	ELA and Mathematics
Winter 2015	Fully aligned CCS assessment	K-12	Yes	ELA and Mathematics
Spring 2015	Fully aligned CCS assessment	K-12	Yes	ELA and Mathematics

*NWEA uses a hand-alignment process to ensure that item content aligns to standards and to build goal structures based on Common Core Standards, which provide consistent groupings of standards across all tests. A robust development plan is underway to ensure full coverage of the CCS.

Below is a description of the NWEA MAP assessments depicted in the above chart.

- NWEA MAP Interim assessment: MAP Assessment administered in the Fall and Winter test windows for the following purposes: informing instruction, predicting student performance on the end of year assessment and to provide growth data.
- NWEA MAP blended assessment: NWEA end of year assessment consisting of two segments: segment one is an on-grade fixed form segment and segment two is an adaptive segment. The purpose of the blended assessment is to provide summative information about student proficiency on grade level standards and to provide interim information about student growth and achievement outside of grade level standards.

In school year 2012-2013, the design of the MAP-CCS assessment is interim and computer-adaptive for the first two assessments (i.e., fall and winter). The spring blended assessment is a grade level fixed form assessment in segment one and computer adaptive in segment two. Goal structures and items for reading, language usage, and mathematics have been created for the MAP and blended assessment, which are aligned to content but not the breadth and depth of the Common Core Standards. Additional items are under development to allow fuller measurement of the breadth and depth of the Common Core Standards. States that have implemented the Common Core Standards in school year 2012-2013 are in a similar position as BIE regarding transitioning to the Common Core Standards in that the states' assessments are aligned to the states' standards and not necessarily Common Core Standards.

The State of Utah's Local Adaptive Assessment (ULAA) is a version of the blended assessment approved by the U.S. ED for pilot use in Utah in school years 2009, 2010, 2011 and 2012. The end of year assessment BIE will employ in spring of 2013 is based upon the blended model of the MAP assessment. BIE will attain full alignment to the Common Core Standards with the end of year assessment administered in spring 2014.

In its blended form, the MAP assessment meets two critical objectives of BIE’s unified accountability system. First, the MAP (blended) assessment satisfies the requirement that BIE’s accountability system address the student’s mastery of academic content standards. The blended MAP does this by asking a series of scripted questions that directly evaluate the student’s mastery of the standards. Once the scripted questions have been completed, the MAP becomes adaptive and asks questions based on the student’s level of success on the scripted questions to provide an accurate level of achievement for the student (see Attachment 14). Second, the MAP (blended) assessment evaluates within-year student growth. The vertical integration of the MAP (blended) assessment’s scale scoring system and its computer adaptive questioning allow the MAP (interim) assessment to align to the end of year blended MAP assessment. The result is that the scale scores are comparable from the beginning of the year to the end of the year, and from grade to grade. While the BIE’s accountability system is keen to measure within year growth, the access to information on student declines across summer months and within-year from school-to-school will provide the BIE with a rich source of data on its students that it does not currently possess.

One additional capability that the use of the MAP assessment provides is that BIE can calculate a student’s progress goal to proficiency on-standards three years out. While the majority of BIE students will be expected to perform on-grade-level by the end of the year, a significant number will require an extended timeline to achieve proficiency. While the BIE plans to use aggressive progress goals for its students, such goals need to be firmly anchored in reality and reflect that it is not appropriate to expect the lowest achieving students to make progress on a pace with their more gifted peers academically. The generation of three year goals is enabled by the use of the MAP assessment system.

The BIE will engage relevant stakeholders in standards setting. This process will take place during the spring of 2013 upon the completion of a full cycle of testing under the new system. The baseline year of 2012-2013 for the assessment will specify impartially-generated proficiency levels. The standards setting process will convene upon completion of SY 2012-2013 and use the data generated during the school year to inform the decisions that the standard setting panelists make about proficiency levels.

Under ESEA (P.L. 107-110 § 1111(m)), the Secretary of the Interior may select an assessment appropriate for accountability purposes for use in BIE-funded schools. The use of NWEA MAP for the interim assessment suffices the requirements for a high quality assessment to be used for accountability. As the flexibility period draws to a close and in anticipation of the reauthorization of ESEA, the BIE will hold a contract competition in 2013 for a replacement assessment for use by the BIE in its accountability system.

The assessment system will be monitored on an ongoing basis by the BIE. The performance of the assessment will be evaluated along three dimensions: the reliability of scores, the decision consistency, and decision accuracy of proficiency status placements. The BIE will work with NWEA to ensure that the assessment performs as required, producing valid and reliable evaluations of student achievement.

Adoption of a New Assessment System

The BIE will adopt a single, interim assessment in SY 2012-2013 for its students bureau-wide, which is a revolutionary change in the approach to assessment for the BIE from the mandated 23 states’

assessment system. The interim assessment implemented in SY 2012-2013 will be evaluated each year. In SY 2014-2015, transition to one of the assessments developed by the two U.S. ED’s standards consortia may occur.

It should be understood that BIE may choose to continue with the interim assessment system, but that will depend on annual evaluations of the interim assessments and review of the consortia options when available. Whatever assessment is eventually used, BIE will need to procure the assessments consistent with the competitive contracting requirements identified by the Federal Acquisitions Regulation (FAR). Below is a timeline for implementation of the interim assessment and transition to the consortia assessments.

Timeline for Implementation of Assessments		
<i>School Year</i>	<i>Assessment</i>	<i>Scale used for Accountability</i>
2011-12	23 States’ assessments model	Final year for current BIE performance levels; begin field testing
2012-13	Interim BIE assessment system	Use uniform cut scores based on standard setting, and for school report cards
2013-14	Interim BIE assessment system	Continue with prior year’s accountability.
2014-15	Possible transition to national assessments	Field test national consortia assessments (or alternative) and define performance cut scores to be used across all participating states
2014-15	Possible full implementation of national assessments	Fully implement national consortia assessment (or alternative) with consortia-defined performance cut scores

The above timeline coincides with the Flexibility Request timeline.

Assessment

ESEA mandated the use of a “criterion-referenced” or “standards-based” assessment on which states would base their accountability determinations. In theory, the use of a standards-based assessment would allow states to gauge the degree to which their students were achieving relative to their challenging, academic standards. Essentially, states and schools are suspect of modifying their curricula to “teach to the test.” The use of a single, high stakes examination contributes to the perception of teaching to the test by delivering a clear-cut result on which accountability determinations are exclusively based on students being proficient or not proficient. The pressure placed on schools to deliver proficient scores is detrimental to the students because emphasis is placed on mathematics and reading to the disadvantage of other academic subjects. As a result, standards-based assessments fail to provide an accurate evaluation of student performance relating to area-specific knowledge on grade level matter that is not assessed.

By adopting Common Core Standards, the BIE and its colleagues in the states are setting the bar higher. Instead of “teaching to the test” the CCS are comprehensive and challenging enough that

schools must “teach up to the standards.” Changing the perspective of how standards and assessments are integrated into education requires a similar change in the assessment type and administration. Educational programs need to know where their students are performing in relation to the standards well before the spring assessment.

In particular, the BIE should provide as much feedback to the schools as it can in terms of meaningful data that guides instruction. The results stemming from standards-based assessments currently contain diagnostic information surrounding student achievement relative to the standards. However, the traditional standards-based assessment is strictly comprehensive and administered at the end of the school year in most states. Some states where bureau schools operate administer the test in the fall. What is needed to guide instruction is an assessment that is administered periodically throughout the academic year to identify student weaknesses in achievement that aligns with the high stakes, end of the year assessment that is used for accountability purposes. The NWEA MAP assessments will provide standards-based information on actual levels of student performance during the first two administrations of the assessment. The use of vertically-integrated scale scoring will allow the Computer Adaptive Test to adjust to students’ level of performance and to assist educators in preparing students for the end-of-year assessment that measures student performance on the standards directly.

Assessment Types and Administration

The BIE will implement an assessment strategy that provides both formative interim feedback throughout the school year and summative results in the spring that can be used for accountability purposes. At the end of each academic year, BIE schools will assess students using a “blended model” of assessment. The blended model of the assessment consists of a scripted battery of items that evaluate the students’ achievement based on the Common Core Standards. The spring assessment will be used for accountability purposes and will contain an extensive, standards-based component to measure student achievement on the standards directly. Once the standards have been measured directly, the test will shift to an adaptive mode. Computerized adaptive tests adjust to the performance of the test taker, asking easier or tougher questions based on the student’s demonstrated level of achievement. The blended assessment fulfills the requirements of ESEA by providing a standards-based achievement test that can be used for accountability purposes, while also providing meaningful information on student growth and achievement relative to peers.

At the beginning and middle of each academic year, schools will assess using the “fully adaptive model” assessment. This version of the assessment will also be aligned to the Common Core Standards. Data provided by these first two assessments will be used to develop and deliver technical assistance to the schools aimed at improving student achievement. Several major benefits occur from the use of a fully-adaptive, computer-based assessment: the results are available almost instantaneously; student performance is more accurately evaluated; fewer items are needed to determine the student’s level of performance; students remain engaged with the test since the level of difficulty (or ease) of every question is appropriate for the student. In addition, by using a computer-based assessment throughout the school year, the students comfort with the testing modality will increase thereby decreasing any potential test-taking anxiety bias that might exist.

There are also practical benefits of using the vendor’s vertically scaled computerized adaptive test. Since the test adapts to the student, the timing of the test delivery does not need to be tied to the exact moment when the group of students has completed the material being tested. Instead, a more flexible testing window (the timeframe when testing is possible) can be used. This is also a benefit to

students that miss the days in which their peers are assessed. These students may easily make-up the missed assessment without the BIE’s vendor developing a separate make-up test form. Since each test is computer-based, the BIE will be freed of the cumbersome rules that are a necessity for safeguarding pencil and paper exams. Taken together, these benefits, minimize student testing time, maximize assessment quality, maximize student performance, and minimize administrative ease thereby promoting meaningful accountability determinations.

Progress Goals

The most important benefit of using the proposed assessment system is its ability to measure student growth. Since the assessment system uses a vertical scale, any pair of test results (from the same student in the same subject) can be compared creating a measure of student growth. In addition to being able to measure student growth, the proposed assessment system facilitates individualized goal setting based on student growth. The importance of student growth goals is that they better inform accountability determinations by considering the ability of the school to *improve* student achievement on top of the simple measure of student proficiency. Both student growth and proficiency are incorporated in the BIE accountability determination, providing a better picture of the academic performance of the students at each school.

The BIE will establish student growth goals following the fall (beginning of year) assessment. Growth goals will be based on fall to spring growth meaning that growth will be calculated as the difference between spring achievement and fall achievement. The successful accomplishment of growth goals will be determined following the calculation of growth scores in the spring.

Generation of Progress Goals

The BIE will employ a model for generating progress goals that are realistic, especially for students achieving well below grade level standards. The expectation that students will grow from significantly underperforming to performing proficiently on grade levels across one academic year is not realistic. This model of establishing progress goals breaks growth toward proficiency into manageable chunks to reach proficiency at the end of a three year period. While the overarching goal is to bring students up to grade level proficiency, the progress model establishes individualized growth goals that put the student on-track to achieve proficiency across a lengthier period of time. Students who, at present, attain proficiency on assessments will be challenged to make above-average growth each school year.

Diverse Learners

The BIE assessment will incorporate instrument construction concepts from the Universal Design for Learning (UDL). The employment of UDL improves instrument validity and reliability by reducing practical impediments to precisely measuring student achievement from the testing instrument itself. The BIE’s assessment incorporates UDL principles into its construction, accommodating diverse learners in the general assessment and enabling students through the use of accessible questions and multiple avenues of response.

In brief, it is important to help students establish connectivity from one concept to another. The bridge between concepts can be achieved, in part, through the use of UDL principles. Consideration must also be given to how students may gather and organize information, and how they express concepts about information to demonstrate student engagement with learning. In this regard, the Common Core Standards and their emphasis on higher order thinking skills require that assessment

vendors figure out ways in which student achievement can be measured. The requirement of Common Core Standards is to break into the components of students' thought processes as they answer questions. This can also be applied to students with disabilities, students with Limited English Proficiency, and gifted and talented students.

Assessment of Students with Limited English Proficiency

Please refer to section 1.B.2 for a more in-depth discussion of Limited English Proficiency in BIE schools. To the degree practicable, the BIE will tie LEP assessment on the WIDA back to student performance on the BIE accountability assessment. WIDA supports this objective generally through its domain-specific diagnostics of student language proficiency in academic content areas. A more appropriate solution – English proficiency assessments referencing the native language of the tribe served by the school – may not be practical from either a cost or development standpoint.

Gifted and Talented Students

One area where the assessment is particularly valuable is in the evaluation of gifted and talented students. Because the fully adaptive assessment provides questions that are targeted to the performance level of each student, the achievement level of gifted and talented students can be measured up to their level of performance. Again, just as it is with students performing below or on grade level, the expediency with which results are obtained from the test can be used to craft curricula more appropriate to the capabilities of gifted and talented students.

Assessment Accommodations and Modifications

BIE's interim assessment will accommodate students with a wide range of skills and achievement levels. The test design automatically provides one accommodation (extended time) and permits schools to select accommodations appropriate for the needs of an individual student. The following accommodations apply to all students:

Changes in timing or scheduling the assessment

- Extended time
- Breaks as needed
- Administer at time of day most beneficial to student

Test directions

- Directions should be read aloud. May be reread if needed
- Simplify language in directions
- Clarify directions

Changes in Test Setting

- Test an individual student in a separate setting
- Test a small group of students in a separate, but familiar location
- Minimize distractions (e.g., study carrel)

References and Tools

- Scratch paper
- Markers to highlight (e.g., student may use sticky note to move down the screen while reading)

Implementation

The implementation of the interim assessment bureau-wide will commence in SY 2012-2013. At present, 138 of 174 BIE-funded schools use a common formative assessment, in addition to the respective states' assessments. The new interim version to be used by the BIE, while sharing many of the same attributes as the formative version, will be comprised of an item bank aligned with the Common Core Standards. All schools within the BIE will be required to use the new version for their accountability assessments.

PRINCIPLE 1 OVERALL REVIEW

Is the SEA's plan for transitioning to and implementing college-and career-ready standards, and developing and administering annual, statewide, aligned high-quality assessments that measure student growth, comprehensive, coherent, and likely to increase the quality of instruction for students and improve student achievement? If not, what aspects are not addressed or need to be improved upon?

The BIE's plan for transitioning to and implementing college- and career-ready standards and use of high-quality assessments will dramatically reform the BIE education system, increase the quality of instruction for students and improve student achievement. Indeed, without such a transformation, BIE-funded schools will continue to be among the lowest performing in the nation. The lack of a unified accountability system has severely hampered the ability of BIE to implement school improvement initiatives. BIE's vision is that each student will learn essential concepts and skills identified in the college- and career-ready standards to prepare them for college and for careers in the 21st Century.

- Each K-12 educator will embed the essential concepts and skills in rigorous and relevant instruction informed by ongoing formative assessment.
- Each educational leader will support and ensure total instructional alignment of content, and assessment, Focused on the BIE's core essential concepts and skills.
- BIE LEAs (ADDs/ELOs) and schools will collaborate with partners to provide the necessary supports to establish and sustain structures as needed for the essential concepts and skills, instruction, and assessment.

The adoption of the college-and career-ready standards and the use of common assessments across all BIE-funded schools will allow BIE to compare student growth across the entire system, to differentiate student achievement, and to provide appropriate supports (See Attachment 15).

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

2.A DEVELOP AND IMPLEMENT A STATE-BASED SYSTEM OF DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- A.i Provide a description of the SEA’s differentiated recognition, accountability, and support system that includes all the components listed in Principle 2, the SEA’s plan for implementation of the differentiated recognition, accountability, and support system no later than the 2013–2014 school year, and an explanation of how the SEA’s differentiated recognition, accountability, and support system is designed to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students.

Accountability Index, Annual Measurable Objectives, and Differentiated Recognition

The BIE is pursuing an innovative method of combining its Accountability Index (AI), Annual Measurable Objectives (AMOs), and Differentiated Recognition system in such a way that the three elements are aligned for the first two years of the flexibility system (see Attachment 13). Because the BIE was required to use the accountability systems of the 23 states in which its schools were located for determining whether they met Adequate Yearly Progress requirements, schools in the BIE have been identified for school improvement statuses by differing definitions of what it means to make AYP. To level the playing field, the BIE will use the 2012-2013 school year as the baseline year for identifying schools into new Differentiated Recognition categories.

The unique opportunity for the BIE is to take advantage of the 0-100 system for generating AMOs and AI scores by using the natural quintile identification system in the flexibility request: The schools in the bottom 20% of academic performers comprise the Priority and Focus status, and the top 20% comprise the highest performing schools. The BIE segments each of these two quintiles by the Differentiated Recognition categories to derive a total of 7 categories from five quintiles.

What makes the system intuitive is the normalization of the distribution around 70. The use of quintiles around this center point renders a score that is familiar to educators and parents: it looks similar to a grading scale where 70 is the point demarcating the difference between a “C” grade and a “D” grade. Rather than using another descriptor such as a letter grade, the BIE will use the simplified 0-100 scale which provides a score comparable from AI to AMO. The differentiated recognition tied to school’s performance will be less seen as a descriptor of how the school is performing and more as activities that the school must engage as the result of its performance. After the Baseline Year and Year 1, differentiated recognition will operate independently from the AI and AMOs.

2.A.i. Did the SEA propose a differentiated recognition, accountability, and support system, and a high-quality plan to implement this system no later than the 2012–2013 school year, that is likely to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students?

The BIE will implement a differentiated recognition, accountability, and support system no later than the 2012-2013 school year. The plan to implement this system is designed specifically to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students. All schools will be subject to the flexibility accountability system unless exempted from it by a tribe's choice to elect an Alternate Definition of AYP pursuant to 25 CFR § 30.104(b).

The heart of BIE's plan is a unified system of standards, assessments, and accountability criteria, which will allow BIE to derive accurate information on school performance for status identification, accountability determinations, and support systems. BIE's efforts to improve student performance have been severely hampered by a mandate to use an accountability system based on 23 states' standards, assessments, and accountability criteria. The shift to a unified system will allow BIE to meaningfully compare schools system-wide and across state lines, thus creating a logically consistent accountability system.

By bringing together data about schools in ways that were not possible before, the BIE will have consistent and timely information concerning school performance patterns. The BIE, perhaps for the first time in a decade, will be able to implement various reforms, including:

- Set new ambitious but achievable AMOs
- Provide incentives and recognition for successful schools making the most progress
- Effect dramatic, systemic change in the lowest-performing schools
- Close achievement gaps by developing gap criteria and providing supports to narrow the gap
- Provide incentives and support to ensure continuous improvement in Title I schools
- Build capacity of the SEA, LEAs (ADDs/ELOs), and schools

1. Differentiated Recognition System (Principle 2 component)

The BIE's system of differentiated recognition is based upon the school performance score obtained in the Accountability Index. Further, identification into a category of recognition is the basis for specific levels of support (i.e., technical assistance, professional development) to be provided to the school. The BIE conforms to the differentiated recognition categories outlined in the Flexibility request. See chart below for the categories of recognition categories.

BIE's Differentiated Recognition System		
<i>Category</i>	<i>Percentile Description</i>	<i>Percentile Band</i>
Reward	Top 5%	95%-100%
Performing	Next 15% from Reward	80%-94%
Satisfactory	Next 20% from Performing	60%-79%
Progressing	20% between Satisfactory and Transitioning	40%-59%
Transitioning	Next 20% from Focus	20%-39%
Focus-Needs Improvement	Next 15% from Priority	6%-19%
Priority-Turnaround	Bottom 5%	1%-5%

Fuller descriptions of the categories are provided below.

- Reward: The top 5% of schools will be recognized as Reward schools. These schools are the highest performing schools in the BIE.
- Performing: The next top 15% band of schools is designated as Performing. These schools are doing well and potentially could enter the highest tier.
- Satisfactory: Schools in the 20% cluster below Performing are in the middle group of schools, which constitute the average of the BIE system. However, BIE schools overall perform significantly lower than the national norms, so the average is still quite low by comparison.
- Progressing: Schools falling below Satisfactory are in the top of the lower tier of schools and require support to improve.
- Transitioning: Schools falling above Focus-Needs Improvement and below Progressing are in the bottom of the lower tier and need significant support to improve.
- Focus-Needs Improvement: Schools in the 15% band of schools above the Priority category are described as Focus-Needs Improvement. This category corresponds to the Flexibility Focus category. To exit this status, these schools must meet their Annual Measurable Objective in two consecutive years to advance from the Focus-Needs Improvement status.
- Priority-Turnaround: Schools at the bottom 5% of schools are designated priority schools. Priority schools are targeted for the most intensive interventions. To exit this status, priority schools must meet their Annual Measurable Objective in three consecutive years to advance beyond Priority status.

The above categories correspond to quintiles used in the Accountability Index and the AMO models for the first two years of the flexibility system. This allows the BIE to properly identify schools for differentiated recognition on a level playing field coming out of AYP systems.

The BIE wants to establish a comprehensible accountability system and one that is fairer to its schools. A single accountability system will be adopted and the highly ineffective 23 states model will be abandoned. The 23 states model has not been successful, and the academic performance of students in the BIE system remains lackluster as a direct result of using disparate standards, assessments, and accountability criteria. Unification of the standards and assessment, and the establishment of a single standard by which all schools are judged are keys to understanding school academic performance and providing the support necessary to improve student achievement through better instruction.

The BIE's new accountability system derives its power from several sources: adoption of unified standards and assessments; giving schools credit for what their students have achieved through a growth dimension; and use of technology and statistics to simplify accountability by leveraging data. The result is that the BIE will have clearer, easier-to-use accountability determinations that are meaningful and drive the delivery of supports for school improvement.

The BIE will implement its accountability system in SY 2012-2013. The accountability system emphasizes the consolidation of standards and their measurement to a single set; the use of a single set of criteria by which accountability determinations are made and differentiation recognized; and the use of accountability data to efficiently deliver System of Support services to schools to improve instruction. Instruction and student achievement will improve through the unification of the

elements of the accountability system and the extensive use of data in identifying schools for System of Support services.

2. Accountability System

As discussed in the overview, the consolidation of the accountability system from those of the 23 states to one that fits the unique needs of the BIE will undoubtedly result in major efficiency gains in System of Support (SOS) service delivery. By moving to a single set of academic content standards, the System of Support can streamline services; SOS will not be dealing with a range of academic content standards that vary by state, diminishing the ability of the BIE to assist schools in the area of instruction by directly making it impractical to tailor services to the needs of schools. Using a single assessment with a common reference point makes it possible to identify and remedy specific school needs.

Another obstacle discussed in the Overview section is the small n-size problem. Because the sub-groups of Special Education and Limited English Proficient do not comprise statistically significant portions of the student populations in the vast majority of BIE schools, it is not conceptually appropriate to examine achievement gaps in schools with small n-sizes. Consequently, where the BIE assigns schools to the Focus or Priority categories, the BIE will treat the school as if there are significant achievement gaps between groups and deliver services accordingly. This allows the BIE to assign schools into a differentiated recognition category regardless of the “n-size” of student sub-groups and to impose improvement expectations on the schools consistent with the principles of reform.

Achievement gaps exist in the BIE between LEP and Special Education sub-groups and their non-sub-group peers. These gaps are statistically significant when aggregated to the bureau level. The use of the assumption for schools whose “all students” group performance qualifies the school for identification as Focus or Priority status commits the BIE to the provision of services designed to improve the performance of students in these sub-groups. Acknowledging the gaps in sub-group achievement and working to ameliorate them will improve student achievement at the school overall.

AMOs (Principle 2 component)

The system of AMOs proposed by the BIE breaks the distribution of schools into groupings approximating quintiles. The quintile structure of the AMO system directly corresponds with the differentiated recognition system in the sense that schools are identified for an AMO track based on their status. Inasmuch as two of the quintiles are broken down into two smaller categories, there are seven status levels captured by the quintile model and assigned to an AMO track for gap reduction. Successful achievement of the AMOs on a yearly basis will lead to a reduction in the performance gap between the lowest performing schools and the highest performing schools. Likewise, high performing schools will be asked to push their students to achieve continual growth in academics. Essential elements of the system of AMOs include:

- The BIE will redefine and reset the concept of Annual Measurable Objectives.
- AMOs will be applied to the school for accountability purposes.

- Using the baseline year (SY 2012-2013) data, the BIE will normalize AI scores such that 70 represents “average,” 50 “low,” and 90 “high.” Outliers may result in some schools being identified as higher than 90 (for exceptional performance schools) or lower than 50.
- Schools will be placed into their new status and an AMO based on their Accountability Index score will be generated.
- Identification based on performance will be a structure resembling quintiles, more or less. The quintiles will correspond with the differentiated recognition system but will also call out additional categories corresponding with “High Achieving” in addition to Reward and distinguishing between Focus and Priority for the bottom 20%. This leads to a seven category system, an elaboration upon the quintile structure.
- Schools’ identification into status will determine their progression for AMOs.
- The goal is for all schools to reach 90 points on AMOs by SY 2017-2018. The goals for Focus and Priority schools will be to reach 85 or 80, respectively, during the same period of time.
- The imposition of a quintile system for generating AMOs is essentially the same thing as identifying schools based on performance gaps and setting expectations for the schools to close the gaps over a five year period of time.

The AMOs will increase annually based on schools’ aggregate performance relative to one another in the baseline year. The development of a quintile system of AMOs for differentiating school performance and delivering System of Support services optimizes the nature and level of services a school receives. At the same time, because of the normative nature of the AI and AMO systems, the targets created by quintile identification drive academic improvements at the school level through challenging but achievable goals.

AMOs will not only be created for the purpose of measuring schools, they will be set for the purpose of improving student achievement in mathematics and reading/language arts. Using the same methodology described in the 2.B section on AMOs, targets will be set for each school on these academic indicators. Achievement of the AMOs on all academic indicators will lead to the achievement of the school’s AMO on the Accountability Index.

Accountability Index (AI)

The BIE proposes to implement an Accountability Index (AI) to replace the current system of Adequate Yearly Progress (AYP). The justification for the use of an AI is to bring multiple measures of school performance to bear on the accountability determination, increasing the accuracy of the accountability determination by virtue of having consulted more information in its issuance. These measures are: participation in assessments, proficiency in the subject areas of mathematics and reading/language arts as measured by assessments, within-year progress in the subject areas of mathematics and reading as measured by multiple administrations of the same assessment, attendance rate, and graduation rate. The AI will generate a performance score for each school, which is measured against an Annual Measurable Object (AMO) to arrive at an accountability determination.

The AI departs from the rigid accountability rules of AYP by giving schools credit for their achievement on each indicator. While underachievement on one indicator will not necessarily sink the school’s hopes for a satisfactory accountability determination, underachievement on multiple

indicators will appropriately reflect this result. Likewise, underachievement on one indicator with strong achievement elsewhere should produce a satisfactory determination.

- The BIE will use an Accountability Index to weight the indicators used to make an accountability determination.
- The BIE will evaluate student participation, proficiency, and progress on academic assessments. These components are weighted within the reading/language arts and math indicators for incorporation into the Accountability Index.
- The Accountability Index will also include indicators for attendance and graduation rates.
- The outcome of the Accountability Index will be a school performance score that is measured against an Annual Measurable Objective (AMO) for an accountability determination.
- A school's score in the Baseline Year identifies them for Differentiated Recognition. Scores relative to the AMO in subsequent years determine whether the school advances, declines, or remains in the same status.

Consistent with the principles of the Elementary and Secondary Education Act, the accountability determination will be based principally on student achievement as measured by standards-based assessments. 80-90% of the Accountability Index is weighted toward student participation, proficiency, and progress on assessments. The remainder of the AI is devoted to attendance and graduation rates, depending on the school's grade configuration. The indicator weights on the following table are in bold while their components are in italics. The totals of the weights for each indicator in bold should tally to 100. Likewise, the components in combination with attendance and graduation rates should also tally to 100.

Accountability Indicators	K-8	HS	HS+Elem/Mid*
Proficiency on Assessments	40	36	36
<i>Mathematics</i>	<i>20</i>	<i>18</i>	<i>18</i>
<i>Reading/Language Arts</i>	<i>20</i>	<i>18</i>	<i>18</i>
Progress on Assessments	40	36	36
<i>Mathematics</i>	<i>20</i>	<i>18</i>	<i>18</i>
<i>Reading/Language Arts</i>	<i>20</i>	<i>18</i>	<i>18</i>
Participation in Assessments	10	8	8
<i>Mathematics</i>	<i>5</i>	<i>4</i>	<i>4</i>
<i>Reading/Language Arts</i>	<i>5</i>	<i>4</i>	<i>4</i>
Attendance Rate	10	0	5
Graduation Rate	0	20	15
Total	100	100	100

* Any school system with a high school and non-high school grades in its configuration.

The result of the AI calculation at the school level will be compared with the AMO assigned to the school after the baseline year. If the AI score meets or exceeds the AMO, the school will receive a satisfactory accountability determination. Likewise, if the school fails to achieve an AI score high enough to meet the AMO, the school will receive an unsatisfactory accountability determination.

Accountability Index: Academic Indicators

As addressed primarily in Section 1.C, the BIE will adopt the NWEA MAP assessment for its students bureau-wide on an interim basis. This assessment will be computer-based, adaptive, and administered three times per year. The measurement of student growth will be accomplished through a system of aligned, vertical scale scoring.

It is important to note that the BIE may change assessments in SY 2014-2015 as Common Core assessments developed by the U.S. ED's standards consortia will be available at that time. The BIE is committed to fulfilling the competitive contracting requirements identified by the Federal Acquisitions Regulation. This timeline is consistent with the Flexibility Request requirements and timeframe.

Academic Indicators: Participation Rate on Assessments

Performance will be assessed across three areas in each academic subject: participation, proficiency, and progress. Schools are expected to assess all students appropriately, and the use of a computer-based assessment and generous testing windows promote this expectation. The mandate under ESEA to assess no less than 95% of students will be maintained. As conceived in the AI, the scaling of the participation rate indicator will reflect a distribution range running from 95% to 100% with no points given to schools with a participation rate of less than 95%. Students enrolled less than 12 weeks prior to the end of the year assessment will not be counted for participation rate calculation purposes.

Schools inappropriately assessing students receiving Special Education services will receive no credit for participation rate points. This will be determined annually through a “desk audit” of each student’s official Individualized Education Program (IEP) conducted by the BIE’s SEA-level Special Education Program (not by the school). The desk audit is an examination of students’ IEPs as they are recorded in the Native American Student Information System (NASIS). Schools assessing students receiving Special Education services in a manner incongruent with the specification under the IEP will be stripped of all points available for participation rate in the affected academic subject area. Additionally, schools not assessing students receiving Special Education services will not receive points for participation rate and will be automatically given a “not satisfactory” accountability determination regardless of school performance otherwise.

Participation rate will be evaluated for each subject area assessed. The participation rate will be measured by dividing the number of students taking the assessment by the total number of students in the assessment pool. The assessment pool will consist of every student in grades 3-10 enrolled at any point during the testing window. At present, NASIS tracks this information and will be used as the source of information for these calculations.

Academic Indicators: Proficiency on Assessments

The method for calculating academic achievement on Common Core Standards will remain the same as it was under ESEA. The proficiency rate will be the percentage of students achieving “proficient” or “advanced” scores of all students taking the assessment. However, the use of an AI allows the BIE to move away from set AYP-style AMOs by which academic indicator performance is measured categorically (“Met” or “Not Met”). Instead, the percentage of students scoring

proficiently will be used. The amount of AI points assigned to the academic proficiency indicator will be the same proportion as the students achieving proficiency.

Academic Indicators: Progress

The BIE will improve its accountability system by assigning credit to schools for student progress in academic achievement across the school year. By assessing three times per year, the BIE has the opportunity to measure how students grow relative to the Common Core Standards. The measurement of student progress across an academic year solves several major problems. It provides an additional measurement of student performance rather than relying upon proficiency alone. It serves as a barometer of the educational institution and how well it addresses student needs when they are identified. It guides the System of Support in identifying appropriate resources for school improvement and establishes a routine of support to address those needs. Finally, it gives schools credit for the gains that they make with students who do not reach the level of proficiency.

Just as the AMO in the new accountability system pushes schools to meet ambitious but attainable goals, the creation of progress goals for students replicates the same concept at the individual level. Upon the administration and completion of the beginning of the year accountability assessment, each student will receive a progress goal (sometimes referred to as a “growth target”) that they will try to attain on the end of the year assessment. The AI measure for progress is the percentage of students meeting their progress goals on the end of the year assessment.

Operationalizing the generation of progress goals requires extensive business rules to effectively implement. For example, students not enrolled at the beginning of the year will be assessed upon arrival at the school. For students arriving too late in the academic year (less than 12 weeks prior to the end of the year assessment), it is not practical to generate progress goals for them and they would need to be excluded from the AI.

The goals themselves will need to be ambitious but achievable. The overall goal of the BIE accountability system is to produce students that can thrive in college or in careers upon completion of high school. Therefore, the BIE will set goals that push students to achieve at least on par with their peers nationally in terms of within year progress on academic standards. Ideally, BIE schools would be in a position to expect that such growth would be sufficient to ensure preparedness upon transition from secondary schooling.

There are two methods for setting progress goals: normal progress and extended progress. Establishing progress goals for within-year growth for students achieving well below the proficiency standards is unrealistic. Low achieving students will be hard-pressed to surge past their higher achieving cohorts in terms of academic progress. The BIE therefore will set higher goals for students who perform well below their cohort, but on-grade-level proficiency in a single academic year will not be expected.

The model for establishing these progress goals is to project a path to on-grade-level proficiency for each student after three years of instruction. Given that the progress goal is established at the beginning of the year assessment, proficiency would be projected at the end of the two subsequent academic years. Once the proficiency level that needs to be attained is established, the progress goal will be the proficiency scale score minus the fall, current year scale score divided by three plus the fall, current year scale score.

As with the proficiency portion of the academic indicators, progress will be scaled and incorporated into the AI. The measure itself is simple: it is the percentage of students meeting their progress goal not including students for whom a goal was not generated (due to late enrollment). In the AI, proficiency and progress will be weighted equally within each academic indicator (mathematics and reading).

Accountability Index: Non-Academic Areas

The BIE proposes to use non-academic indicators to account for 20% of the AI score. For all BIE schools this will include attendance rates (valued at 10% of the AI). The remaining 10% will include a mix of graduation rates (high schools only) and other factors such as the amount of community engagement and/or native language and cultural programs offered.

The mandated use of the U.S. ED's Adjusted Cohort Graduation Rate (ACGR, or 4-year on-time rate) is not reflective of BIE's completer patterns. Schools that may be very successful in keeping students in-school rather than dropping-out are not receiving credit for these students when they remain in the school and graduate with a regular diploma. The BIE is looking at ways in the Accountability Index to Reward schools with students who do not graduate on-time for keeping these students in school until they do graduate.

The BIE is also exploring ways to modify these rate indicators for high schools to give credit to them for preparing students for college and career as well. In particular, the BIE would like to give credit to schools for graduating students beyond the traditional timeframe. As the BIE serves students up to 22 years of age, it is appropriate to consider students graduating beyond the on-time norm as successes for the school. But in other areas, such as dual enrollment, advanced placement, or continuation on to college, BIE schools need to be given credit for their success in encouraging the continued educational development of their students.

Alternatively, the BIE is exploring options by which other measures of school performance may be selected by the schools for incorporation into their accountability determination. For instance, many states have adopted college-readiness measures as part of their Flexibility Request. The BIE may make the option available to high schools to allow them to demonstrate student preparedness for post-secondary education through advanced placement, dual enrollment, or designated college preparatory courses of study. Similar indicators could also be developed around community engagement by the school, native language, cultural programs, or other areas where tribes express the desire for their culture to be reflected in the accountability system.

Under present statute, the BIE makes available to tribally-controlled schools the option of an Alternate Definition of Adequate Yearly Progress, in accordance with 25 C.F.R. § 30.104(b). However, no governing tribes or school boards of tribal schools have to date successfully developed an Alternate Definition of AYP. The requirements of Alternate AYP are so high (should successfully meet with U.S. ED Peer Review processes: 25 C.F.R. § 30.113) and the resources are so scarce that, even with Technical Assistance provided by the BIE (25 C.F.R. § 30.109), the process is arduous.

The BIE proposes that tribes be allowed to craft indicators that reflect their values (i.e., language, culture, history) that satisfy the Alternative AYP mandate. The new indicators would fall within the

15% guidelines proposed by the Common Core Standards. The BIE would provide technical assistance to the schools in the areas of alternative standards and assessment, consistent with Interior regulations.

The benefit of using the 15% local standards provision is that it allows tribes to customize the accountability system in a manner that is reflective of their values. The BIE will reshape Alternate AYP to reflect academic content standards and assessments valued by tribes and provide them with Technical Assistance accordingly. By doing this, the BIE is redefining the scope of Alternate AYP to be an area where the greatest chance of success can be realized: the development and measurement of locally-created standards.

Accountability Index: Addressing Disproportionality in Sub-group Achievement

One facet unique to ESEA was its emphasis on setting the same rigorous academic objectives for all categories of students. In addition to the “all students” group, only students receiving Special Education services or identified as Limited English Proficient are identified for inclusion into a sub-group category (i.e., Special Education and LEP) within the BIE. Given that the ethnic population of the BIE is homogenous – non-migrant by definition – and uniformly high poverty, the identification of other sub-groups for AYP purposes is unnecessary and reflected in the Final Agreement Between the ED and the Department of the Interior.²⁴

Yet, one of the principles guiding the creation of the BIE’s AI is that no student should be counted more than once for accountability. The principle from ESEA is that students identified in the Special Education or LEP sub-groups would be factored into the AYP calculation either two or three times more than non-disabled or non-LEP students. Effectively, this assumption gave additional weight to students in sub-groups relative to non-sub-group students in the school. While the intent of the law was to “leave no child behind” by referencing students in sub-groups as receiving disproportionate and arguably inferior education services based on their sub-group, the reality is that these students had a disproportionate influence on the AYP determination.

The BIE seeks to revise the influence student sub-groups have on the accountability system. Instead of weighting the accountability calculations in favor of sub-groups, the BIE will examine disproportionate achievement in student sub-groups relative to non-group students in the assessment of “Rewards” and “Penalties” after the AI calculation is complete. The result of this approach is that no student has any greater influence over the calculation of the AI than any other student. However, schools will still be held accountable for the proficiency and progress levels of students in the Special Education and LEP sub-groups.

The BIE method of examining student achievement in sub-groups, in fact, has the added benefit of comparing sub-groups with non-sub-group peers directly rather than making the comparison of the sub-group with the “all students” group. The latter method for examining sub-group performance, usually through the generation of gap measures, is not theoretically sound because sub-group students are contained in the all students group. In practical terms, such a grouping may logically overcome small n sub-group issues by virtue of building a “cushion” into the all students group: if there is lower performance in the sub-group, incorporating the sub-group’s students into the all

²⁴ Final Agreement, section 2.B.i.

students group lowers the performance of the all students group, diminishing any gap one might observe between the two while rendering more significant the observation of the gap itself.

However, this approach to addressing sub-group performance disparities is unsatisfactory because a true comparison of students in the sub-group with the non-sub-group population is not obtained. The effect of calculating accountability in this manner is to mask sub-group performance trends relative to the all student group. The BIE method for accounting for sub-group performance does not give sub-groups undue influence over the AI calculation, but examines performance trends after the fact for significant performance gaps and assigns rewards or penalties accordingly.

The system of rewards and penalties under the new accountability system is based on discrimination of sub-groups versus their non-sub-group peers. It is important to recognize that in some instances in BIE-funded schools, the entire school may be included in the LEP sub-group, precluding any meaningful comparison with non-LEP peers.

Disproportionality in Achievement		
2 AI Point Reward	2 SD	Above the Mean
1 AI Point Reward	1 SD	Above the Mean
Neither	<1 SD	Within a SD of the Mean
1 AI Point Penalty	1 SD	Below the Mean
2 AI Point Penalty	2 SD	Below the Mean

Calculation of disproportionality will be through the use of a difference of means test of significance (t test) between two means of two populations: specifically between a particular subgroup and the general school population minus the subgroup students. Schools with sub-groups achieving growth or proficiency levels in mathematics or English/language arts that are one standard deviation above the mean in comparison with their non-sub-group peers will receive an award of 1% toward the AI for this subject area. Achievement above their peers by two full standard deviations will be rewarded with a 2% bonus on the AI. Similarly, underperformance by one and two standard deviations in comparison with the non-sub-group peers will earn the school a 1% and 2% penalty, respectively, to the relevant portion of the AI.

The BIE will impose a threshold of a 15 student minimum for calculation of the disproportionality test. The minimum number of 15 is low enough that schools may qualify for sub-group calculation, but high enough that the Student's T-distribution used for statistical inferences on small sets of data begins to approximate the normal distribution used on larger sets of data.²⁵ Overall, no minimum number is required for calculation in the AI system.

Statistical Analyses

²⁵ The Student's T-distribution (commonly known as the T-distribution) is a family of continuous probability distributions that arises when estimating the mean of a normally distributed population in situations where the sample size is small and population standard deviation is unknown.

On an ongoing basis, the BIE will perform statistical analyses of academic indicator performance. These analyses will be in addition to the statistics generated by the accountability system. The reasons for the analyses are to generate deeper understanding of performance trends in the BIE that go beyond the measurement of academic achievement and to ensure that the AI is performing as desired.

Sub-Group Analysis at the Bureau Level. As discussed at great length already, the performance of sub-groups at the school-level is difficult to measure reliably in the BIE. However, when aggregated to the bureau level, the number of students in the sub-group population is easily sufficient to obtain reliable measures. The importance of sub-group analysis at the bureau level is that it serves to justify the course of the accountability system in terms of support services.

Specifically, the contention that the BIE makes in this Flexibility Request is that, while it is not statistically sound to use sub-groups for most of BIE's schools in the accountability system, the BIE can and will improve sub-group performance by treating schools identified for Focus and Priority status as if they have performance gaps in their sub-group achievement. With the implementation and establishment of the baseline for the new accountability system, the BIE should observe a closing of the performance gap between students in sub-groups and their non-sub-group peers in Focus and Priority schools as the accountability system takes full effect. If the BIE cannot close the achievement gap as identified at the bureau level, then the accountability system must be changed to better address sub-group needs.

Classroom and School Level Analyses. The BIE is currently working with relevant stakeholders – including its teachers union – in determining precisely how data will be used in educator evaluations. Beyond educator evaluations, the use of classroom and school level data for the identification of trends in student achievement will drive the System of Support. This has been mentioned multiple times and is rather straight-forward. The ability to take assessment data and link it back to classrooms very quickly allows the BIE to work with educators to improve instruction to meet student needs.

What is less obvious is that the BIE can use the same information to determine the success of Professional Development and school improvement activities. Because the BIE will use data to determine what range of supports to deploy to a school to improve the academics there, the BIE will be able to use subsequent data to determine whether the supports actually improved achievement. Over time, the consideration of data relative to the delivery of support services to the school will help the BIE improve its services or to develop alternatives that may work better.

Student Level Analyses and Bureau Level Applications. As the sophistication of the BIE's technology infrastructure improves, the BIE will be able to link more data together relevant to the student's academic career. Already, the Native American Student Information System (NASIS) accommodates Common Core Standards and Personal Learning Plans. Personal Learning Plans are similar to Individualized Education Programs. Importing students' assessment results into NASIS allows the BIE to connect student achievement across multiple areas: courses, performance on Common Core Standards, and the programs in which the student may be involved. This will require significant work to achieve, but engaging in the necessary work will bring more information about the student to bear on their education. Pulling together all the relevant information about a student into a single place greatly enables educators to have a more profound effect on the student.

The aggregation of student data across multiple domains of information can provide a powerful tool for policymakers. The BIE has started the process by which a system wide Longitudinal Data System (LDS) will be constructed. In its first phase, the BIE will develop a limited data warehouse and access this data using a “dashboard” concept. The dashboard will provide decision makers in the BIE the ability to graphically display trends captured for other reasons but until now difficult to assemble for the purpose of shaping policy.

The goal of the BIE in its data usage is to eventually and regularly engage in primary research: the development of knowledge about Indian students that can be used to improve the educational services the BIE delivers. This is a lofty goal when compared with where the BIE is currently. The activities involved with program implementation and compliance monitoring and the inefficiency of the accountability system effectively preclude primary research. The meaningful data generated by the new accountability system will help the BIE both through internal, primary research and through the involvement of external, academic researchers in Indian education.

Calibrating the Accountability Index. The BIE will work with its partners to calibrate the Accountability Index as data come in. Generally, changes to the AI will only be made once per year. But this process should not be left to chance. Given that valid and reliable data are readily available during the school year, the BIE will attempt to uncover potential problems in the implementation of the AI long before the data roll in for the accountability determination.

3. Support System

The BIE’s support system is designed to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students.

Incentives and Recognition (Principle 2 component)

BIE will provide incentives and recognition for successful schools making the most progress. Schools in the reward category – both Performing and Progress – will be afforded flexibility on their continuous improvement process. Schools will be able to select from a group of effective practice indicators that the school chooses to employ, such as the Danielson Model of Effective Schools or the Lezotte Model of Effective Schools, and track their continuous school improvement process in the Native Star system. In other words, successful schools will be able to fine tune their continuous improvement progress with ongoing support of that effort provided. Technical assistance will be provided as requested even from outside resources.

Also, reward schools will submit an application to be recognized as a Blue Ribbon School or a National Title I Distinguished School. BIE will assist the schools with their applications and will cover the registration and travel cost for these recognition events. BIE will publicly recognize the Reward Schools on the BIE’s web-site and send a BIE dignitary to honor the school at a school assembly and at high-level and/or national BIE events.

Dramatic, Systemic Change in the Lowest-performing Schools (Principle 2 component)

BIE utilizes funds from the ESEA state set-aside for school improvement – 1003(a) and 1003(g) – to support targeted professional development efforts that ensure Associate Deputy Director (ADD) offices, Education Line Offices (ELO), and schools have sufficient support for implementation of

interventions in the lowest performing Priority and Focus schools and other lower performing schools identified in BIE’s differentiated recognition system (i.e., transitioning and progressing).

BIE’s differentiated recognition system identifies both high performing and low performing schools, but will concentrate both supports and interventions on the lowest performing schools in BIE’s system. Supports and interventions will match the needs of the schools and will be of duration that enables the schools to reach their goals. Below is a summary of supports and interventions to be provided to schools, from lowest performing to higher-level performing:

Priority-Turnaround

- This includes priority schools (at least 5% of lowest performing in BIE’s system as determined by the BIE’s accountability index).
- For these schools, their ADDs/ELOs will be required to intervene and conduct a comprehensive, on-site diagnostic review to pinpoint problem areas.
- The ADDs/ELOs will be required to meet with the tribal officials and school boards to present the data and problem areas, followed by quarterly collaboration with school boards and School Leadership Teams.
- Schools must conduct self-assessment using the Transformation indicators and develop a school improvement plan in the Native Star system.
- Schools must contract with a BIE-approved turnaround partner to implement reform plans.
- Priority schools have the following options:
 - Implementation of a Turnaround Model replacing the principal; screening existing school staff and rehiring no more than half the teachers; adopting a new governance structure; and improving the school through curriculum reform, professional development, extending learning time, and other strategies;
 - Implementation of a Transformation Model replacing the principal and improving the school through comprehensive curriculum reform, professional development, extending learning time, and other strategies.
- For BIE-operated schools that fail to demonstrate improvement after three years, the BIE’s Academic Achievement Office will intervene.
- For tribally-controlled schools that fail to demonstrate improvement after three years, the BIE will work with tribal officials to intervene.
- Supports will include online resources, and technical assistance from the approved turnaround partner, the BIE’s intervention implementer (i.e., CORE), the data analysis specialist, and the BIE’s turnaround team.
- On-site technical assistance visits will be conducted each month.
- Specialists will convene each month to assess the implementation of recommendations provided and determine next steps.

Focus-Needs Improvement

- This includes Focus schools (at least 15% of lowest performing above the 5% priority schools in BIE’s system as determined by the BIE’s accountability index).
- For these schools, their ADDs/ELOs will be required to intervene and conduct a comprehensive, on-site diagnostic review to pinpoint problem areas.
- The ADDs/ELOs will be required to meet with the tribal officials and school boards to present the data and problem areas, followed by semi-annual collaboration with the school board and School Leadership Team.

- Schools must conduct a self-assessment using the 99 Rapid Improvement Indicators and develop a plan in the Native Star system.
- Schools must contract with a BIE-approved turnaround partner to implement reform plans.
- For BIE-operated schools that fail to demonstrate improvement after three years, the BIE’s Academic Achievement Office will intervene.
- For tribally-controlled schools that fail to demonstrate improvement after three years, the BIE will work with tribal officials to intervene.
- Specific interventions will vary depending on the needs of the school and their specific performance indicators. Examples include extended learning time, targeted reading and mathematics supports, professional development and implementation assistance.
- Supports will include online resources, and technical assistance from the approved turnaround partner, the BIE’s Intervention Implementer (CORE), the data analysis specialist, and the BIE’s turnaround team.
- On-site technical assistance visits will be conducted each month.
- Specialists will convene each month to assess the implementation of recommendations provided and determine next steps.

Transitioning & Progressing

- This includes all other BIE schools with less than 60% of their students proficient in Reading/Language Arts and Math.
- For these schools, their ADDs/ELOs will be required to intervene and conduct a comprehensive, desk-top diagnostic review to pinpoint problem areas assessing the 99 Rapid Improvement indicators and developing a plan in the Native Star system and must contract with a BIE-approved turnaround partner to implement reform plans.
- The ADDs/ELOs will be required to meet with the tribal officials and school boards to present the data and problem areas.
- Schools must contract with a BIE-approved school improvement partner to implement their improvement plans that would focus on instructional practice, according to specific needs of the school and their specific performance indicators. Examples include extended learning time, targeted reading and mathematics supports, professional development and implementation assistance.
- Supports will include online resources, and technical assistance from the approved school improvement partner, the data analysis specialist, and the BIE’s turnaround team.
- Teleconference will be scheduled each month through the ELO.
- The school improvement providers will convene each month with the ELO to assess the implementation of recommendations provided and determine next steps.

Close Achievement Gaps (Principle 2 component)

The achievement gap measures the performance of the lowest achieving students in a school system in terms of whether their growth is narrowing the system’s achievement gap.

The Flexibility Request is most concerned with closing the achievement gap between students in defined subgroups and some higher standard of comparison which is determined by the SEA. Of the states submitting Flexibility Requests, some are using a super subgroup strategy or a consolidated set of subgroups strategy due to insufficient n-size of certain subgroups. Some states also have taken the approach of lowering the n-size to hold more schools accountable.

The super-subgroup approach does not work for the BIE as, in some instances, the subgroups are either too small to be significant (less than 15) or too large to be distinct from the student population that is not members of the subgroup. The BIE approach is to examine sub-group performance over time at the bureau level and to evaluate it at the school level when a sufficient n-size is met. Where disproportionality in achievement is found through the use of a t-test, the BIE will act swiftly to address the problem.

Moreover, the accountability system of the BIE is bringing the principles of the Individualized Education Program from the Special Education area to the general student population; at least in one major way. The BIE's assessment system and its emphasis on student-level progress goals mirror the creation of goals in Special Education IEPs. Student assessment results will lead to specialized, differentiated instruction in the classroom for all students. In essence, rather than “mainstreaming” Special Education students into the general classroom, the BIE will be applying principles of effective Special Education programs to the general student population by emphasizing the importance of student growth through appropriate differentiated instruction. Where SWD are concerned, the general classroom environment will be far more hospitable to providing them the services they require.

Limited English Proficient students will also benefit from this differentiated instruction classroom paradigm. However, as many LEP students are identified as such due to concerns surrounding native languages in their settings, the BIE will not be able to systematically address LEP students with the accountability system. Initiatives within the BIE are being refocused to address native language instruction as a means to improve student achievement. As the BIE serves more than 200 tribes and by extension a considerable number of native languages, crafting supports for native language instruction and English language instruction tailored to the needs of specific native language speakers must take place over the long run.

Incentives and Support for Continuous Improvement (Principle 2 component)

BIE will provide incentives and support to ensure continuous improvement in Title I schools, which in the BIE system encompasses all schools. BIE utilizes funds from the ESEA state set-aside for school improvement – 1003(a) and 1003(g) – to support cross-agency targeted, collaborative professional development efforts that ensure Associate Deputy Director (ADD) offices, Education Line Offices (ELO), and schools have sufficient support for implementation of interventions in Priority schools, Focus schools, and other Title I schools identified under the BIE's differentiated recognition, accountability, and support system.

BIE will identify both high performing and low performing schools, but will focus both supports and interventions on the lowest performing schools in BIE's system. Supports and interventions will match the needs of the schools and will be of duration that enables the schools to reach their goals. BIE will establish one “state-wide” differentiated system of support for all BIE-funded schools, that will include the high performing and high progress (reward) schools, the lowest performing (Focus and Priority) schools, and those schools in the middle range (Transitioning, Progressing, Satisfactory, and Performing).

Build Capacity of the SEA, LEAs, and Schools (Principle 2 component)

In the BIE system, Education Line Offices (ELOs) function essentially as Local Education Agencies (LEAs) or districts. The BIE provides the following capacity-building activities to Education Line Offices and schools to ensure comprehensive monitoring of and technical assistance for implementation of interventions in Priority and Focus schools:

- Mandatory training regarding the requirements and timelines related to the school improvement process and implementation of interventions.
- BIE reviews the ELO approved school improvement plans following the presentation to the local school board to ensure compliance and potential for success.
- Priority schools: the BIE conducts once a month monitoring and technical assistance visits to each Priority school. These visits include: a comprehensive interview with the principal; Focus groups with teachers, parents, and students; and classroom observations.
- Focus Schools: the BIE conducts on-site monitoring and technical assistance visits once a school quarter to each Focus school. These visits include: an interview with the principal; Focus groups with teachers and parents; and classroom observations.
- Review the electronic school improvement plans and progress reports that are part of the BIE Native Star online tool.
- Develop, train, and implement regional System of Support (SOS) to assist schools on utilization of the teacher and leader standards.
- Train the regional SOS on the implementation and alignment of the Common Core State Standards and assessments.
- Develop and provide data team training to regional SOS to increase staff effectiveness and inform instruction.
- Develop supports for professional collaboration which Focuses on school climate and high expectations and collaborative teaching practices.
- Develop tools, practices and procedures to ensure parental and family engagement.
- Develop and implement interventions and instructional strategies for all students including Limited Reading Proficient students and Students with Disabilities.
- Develop and train on the use of common formative and summative assessments.
- Data coaching using NWEA MAP assessments data, BIE’s NASIS data, BIE’s Native Star school improvement data, and other resources.
- Strategic planning for implementing Common Core State Standards and high-quality assessments systems.
- Strategies for re-purposing resources (i.e., fiscal, human, technology, facilities); building community partnerships and partnerships with social service agencies and other providers; and leveraging a variety of data sources to support improvement efforts.
- Build capacity to support leadership practices to support improved teacher effectiveness.

a. Does the SEA’s accountability system provide differentiated recognition, accountability, and support for all LEAs in the State and for all Title I schools in those LEAs based on (1) student achievement in reading/ language arts and mathematics, and other subjects at the State’s discretion, for all students and all subgroups of students identified in ESEA section 1111(b)(2)(C)(v)(II); (2) graduation rates for all students and all subgroups; and (3) school performance and progress over time, including the performance and progress of all subgroups?

All schools in the BIE system are Title I schools. The Education Line Offices, in tandem with the Associate Deputy Director offices, function as LEAs, although NCLB designated schools as LEAs for some purposes.

BIE's accountability system provides differentiated recognition, accountability, and support for all Title I schools based on: 1) student achievement in reading/language arts and mathematics, and other subjects at the State's discretion, for all students and all subgroups of students; 2) graduation rates for all students and all subgroups; and 3) school performance and progress over time, including the performance and progress of all subgroups.

The accountability determination of BIE's new accountability system will be based principally on the academic indicators of reading/language arts and mathematics along with attendance rate and graduation rate. The BIE does not currently differentiate between the required sub-groups identified in ESEA due to its unique student population and according to the Final Agreement between the ED and the Department of the Interior.

The attainment of the AMO in the Accountability Index will require that all students, regardless of sub-group identification, perform to their potential over time. Inconsistent achievement and graduation trends based on sub-group performance will be identified by the accountability system and addressed. The way in which this will be accomplished is through statistical diagnostics that track school performance and aggregate sub-group performance (e.g., status-level of Priority, Focus, and reward). Hypothetically, schools improving in their accountability determinations over time should see a corresponding improvement in sub-group achievement in aggregate. Without this positive correlation, the BIE will re-examine its proposal for ensuring school improvement through increasing student-level academic achievement specifically for the purpose of identifying weaknesses in sub-group education program implementation.

The BIE's reconfigured Annual Measurable Objective (AMO) uses statistical grouping of all BIE schools to impose categorical identifications. Identification into categories will determine the AMO for each school in the subsequent year. By SY 2017-2018, all BIE schools will be expected to attain the AMO of 90.

b. Does the SEA's differentiated recognition, accountability, and support system create incentives and provide support that is likely to be effective in closing achievement gaps for all subgroups of students?

BIE's differentiated recognition, accountability, and support system will create incentives and provide support that will benefit all subgroups of students. BIE will identify both high performing and low performing schools. Incentives will be provided to reward schools demonstrating success. Supports and interventions will be directed to the lowest performing schools in BIE's system. Supports and interventions will match the needs of the schools and will be of duration that enables the schools to reach their goals.

Schools identified with achievement gaps, which will encompass underperforming students generally and students in subgroups, will be provided additional supports designed to reduce achievement gaps. BIE has retained a vendor to provide a range of support to School Improvements Grant (SIG) recipients. These services will be expanded to serve lowest performing schools.

c. *Did the SEA provide a plan that ensures that the system will be implemented in LEAs and schools no later than the 2012-2013 school year?*

The BIE presently has no real accountability system of its own, instead borrowing from the accountability systems of the states in which its schools are located. Therefore, the BIE transition plan is focused entirely on the future. The plan for the BIE is to implement the new accountability system in SY 2012-2013.

2.A.ii Select the option that pertains to the SEA and provide the corresponding information, if any.

<p>Option A</p> <p><input checked="" type="checkbox"/> The SEA includes student achievement only on reading/language arts and mathematics assessments in its differentiated recognition, accountability, and support system and to identify Reward, Priority, and Focus schools.</p>	<p>Option B</p> <p><input type="checkbox"/> If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system or to identify Reward, Priority, and Focus schools, it must:</p> <p style="margin-left: 40px;">a. provide the percentage of students in the “all students” group that performed at the proficient level on the State’s most recent administration of each assessment for all grades assessed; and</p> <p style="margin-left: 40px;">b. include an explanation of how the included assessments will be weighted in a manner that will result in holding schools accountable for ensuring all students achieve college- and career-ready standards.</p>
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BIE includes student achievement only on reading/language arts and mathematics assessments in its differentiated recognition, accountability, and support system and to identify Reward, Priority, and Focus schools.

2.B SET AMBITIOUS BUT ACHIEVABLE ANNUAL MEASURABLE OBJECTIVES

Select the method the SEA will use to set new ambitious but achievable annual measurable objectives (AMOs) in at least reading/language arts and mathematics for the State and all LEAs, schools, and subgroups that provide meaningful goals and are used to guide support and improvement efforts. If the SEA sets AMOs that differ by LEA, school, or subgroup, the AMOs for LEAs, schools, or subgroups that are further behind must require greater rates of annual progress.

<p>Option A</p> <p><input type="checkbox"/> Set AMOs in annual equal increments toward a goal of reducing by half the percentage of students in the “all students” group and in each subgroup who are not proficient within six years. The SEA must use current proficiency rates based on assessments administered in the 2011–2012 school year as the starting point for setting its AMOs.</p> <p>i. Provide the new AMOs and an explanation of the method used to set these AMOs.</p>	<p>Option B</p> <p><input type="checkbox"/> Set AMOs that increase in annual equal increments and result in 100 percent of students achieving proficiency no later than the end of the 2019–2020 school year. The SEA must use the average statewide proficiency based on assessments administered in the 2011–2012 school year as the starting point for setting its AMOs.</p> <p>i. Provide the new AMOs and an explanation of the method used to set these AMOs.</p>	<p>Option C</p> <p><input checked="" type="checkbox"/> Use another method that is educationally sound and results in ambitious but achievable AMOs for all LEAs, schools, and subgroups.</p> <p>i. Provide the new AMOs and an explanation of the method used to set these AMOs.</p> <p>ii. Provide an educationally sound rationale for the pattern of academic progress reflected in the new AMOs in the text box below.</p> <p>iii. Provide a link to the State’s report card or attach a copy of the average statewide proficiency based on assessments administered in the 2011–2012 school year in reading/language arts and mathematics for the “all students” group and all subgroups. (Attachment 8)</p>
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Option A:

Did the SEA set its AMO’s so they increase in annual increments toward a goal of reducing by half the percentage of students in the “all students” group and in each subgroup who are not proficient?

i. *Did the SEA provide the new AMO’s and the method used to set these AMO’s?*

The BIE is resetting its Annual Measurable Objectives (AMOs) using Option C. This option was selected because it facilitates the implementation of a new accountability system beginning in SY 2012-2013. This accountability design is based upon multiple performance indicators indexed into an overall score (and subsequent rating). The BIE plans to establish performance standards and applicable metrics necessary to transform data from different scales into the AI's scale. The AMOs for school year (SY 2011-2012) will remain unchanged.

The BIE must reset the AMO system entirely and without reference to current test scoring patterns exhibited by schools. Because the most recent round of testing (school year 2011-2012) was completed using the assessments of the 23 states where BIE schools are located, it is impossible to equate scores between schools in different states. The BIE must engage in a baseline year using a single assessment bureau-wide to derive accurate, consistent data on school performance prior to implementing an AMO system in Year One of the full flexibility system.

The AI affords each BIE school the opportunity to demonstrate improvement in several areas against AMOs that are both ambitious and achievable. Setting differential targets for school performance reflects the current conditions in classrooms and will motivate educators and school leaders to improve their overall school's performance. The expectation is that the BIE's schools will improve performance towards the goal in 2017-2018 of 90 AI points, by drawing more attention to their current academic performance and setting an ambitious long-term goal.

In brief, the BIE will utilize AMOs in the following manner:

- The BIE will reset and redefine the concept of Annual Measurable Objectives.
- AMOs will be applied to the school for accountability purposes.
- Using the baseline year (SY 2012-2013) data, the BIE will normalize indicator scores such that 70 represents "average," 50 "low," and 90 "high." Some schools that are statistical outliers when the data are normalized may be above 90 or below 50.
- Schools will be placed into their new status and an AMO based on their Accountability Index score.
- Identification based on performance will be a structure resembling quintiles. The quintiles will correspond with the differentiated recognition system. The top and bottom quintile will be further divided into two smaller parts to yield seven AMO trajectories. The division of the quintiles is in response to Differentiated Recognition categories outlined by the U.S. ED.
- Schools' identification into status will determine their progression for AMOs.
- The goal is for schools in the top three quintile ranges to reach 90 points on AMOs by 2017-2018 school years.
- The goal is for schools in the bottom two quintile ranges to reach 80 or 85 points on AMOs by the 2017-2018 school year.
- The imposition of a quintile system for generating AMOs is essentially the same thing as identifying schools based on performance gaps and setting expectations for the schools to close the gaps over a five year period of time. Because the 2012-2013 school year is the Baseline Year and schools will not be identified into status until Year One (immediately following the Baseline Year), Differentiated Recognition will reflect both AI and AMOs for the first two years of the flexibility system. Beyond these two years, Differentiated Recognition will reflect school performance.

AMO Approach

The approach below provides a macro-level set of steps used in determining a school's overall accountability index (AI). The actual beta-testing, including the transformation constants needed to convert data from different scales onto the common AI 0-100 scale will be conducted in the spring of 2013. This testing will demonstrate for each school how each indicator contributes to the overall score. The goal will be to establish AMOs for all schools given their relative starting position during the baseline year.

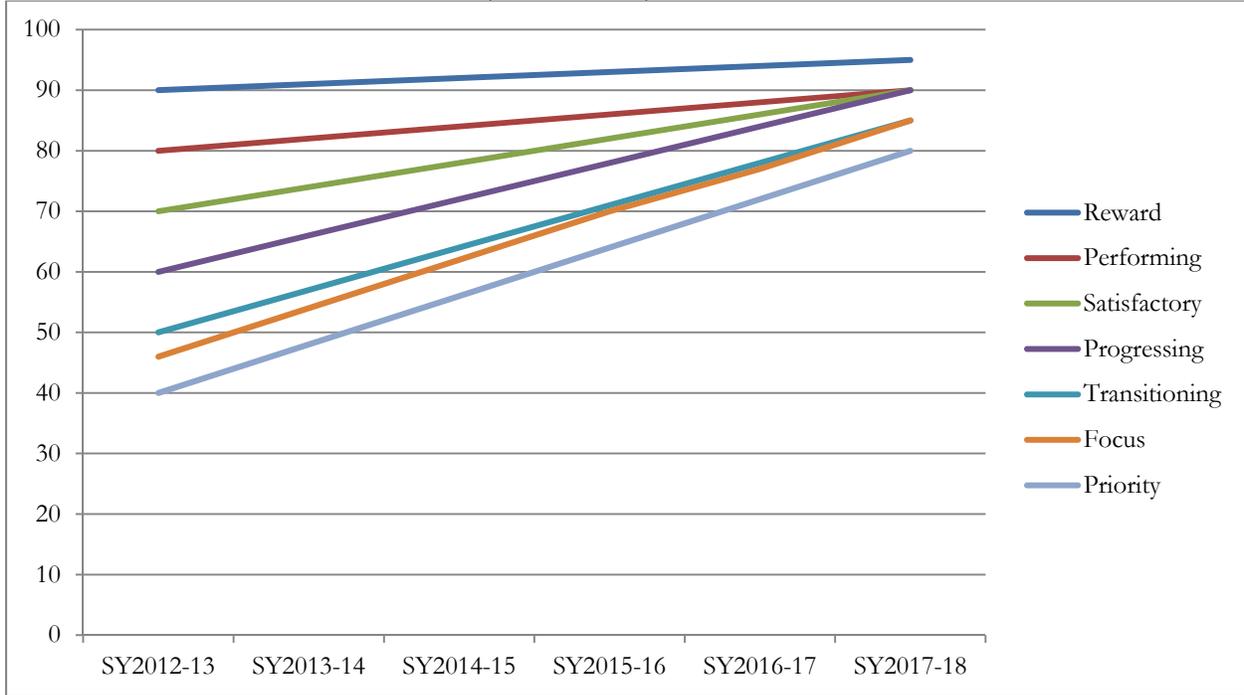
Baseline Year (SY 2012-2013)
<p><u>Step 1:</u> Calculate the unweighted index values for the following indicators in reading and mathematics</p> <ul style="list-style-type: none"> a) Participation b) Status (proficiency) c) Improvement (within year growth)
<p><u>Step 2:</u> Calculate the unweighted index values for the following indicators</p> <ul style="list-style-type: none"> a) Graduation rate (ACGR) b) Attendance (within year growth)
<p><u>Step 3:</u> Index multiple values by weight and sum values</p>
<p><u>Step 4:</u> Determine relative position on the 100 point scale</p> <ul style="list-style-type: none"> a) Long-term goal = 90 points b) Typical performance = 70 points [Baseline Year AMO] c) Minimum performance = 50 points

Each year the AMOs increase is based upon the performance trajectory as identified in the Baseline Year. This approach simplifies the improvement expectations and identifies different levels of school performance. The table on the next page illustrates graphically how the system will reduce the gap in school performance over time.

Although the illustration demonstrates differential AMOs at the school level, the results for indicators follow the same logic. The AMOs on individual indicators will be generated based on the school's performance in the Baseline Year. Making the suggested amount of progress on all indicators will lead to the school meeting the school-level AMO upon which the accountability determination is made.

However, as alluded to earlier in the request, if schools miss their indicator-level AMOs, they will not automatically receive unsatisfactory accountability determinations. Performance beyond the point of meeting the AMOs in other areas will still count toward the school's performance on the AI. The shortfall on one indicator's AMO can be made-up by surpluses achieved on other indicators resulting in a satisfactory determination being issued to the school overall.

Annual Measurable Objectives Trajectories over a Five Year Period



ii. Did the SEA use current proficiency rates from the 2010-2011 school year as the base year?

To generate the new AMOs, the BIE will use data on the assessments taken during the 2012-2013 school year when establishing the baseline year. The reason for doing so is that the BIE is currently using 23 different assessments by which proficiency is measured. It is statistically impossible to equate proficiency levels using these assessments.

ii. If the SEA set AMOs that differ by LEA, school, or subgroup do the AMOs require LEAs, schools and subgroups to make greater rates of annual progress?

The effect of the method of setting AMOs is that schools that currently have low AI will be required to make much more progress than those close to the long-term goal of 90 points. However, the improvement rate is fixed at 8 points for schools in order to reduce the gap while addressing the need for “ambitious but attainable” AMOs. The fixed improvement floor will be validated to ensure the lowest performing schools attain an AI above 80 index points by 2017-2018, closing 80% of the gap between the lowest and highest performing schools.

2.C REWARD SCHOOLS

2.C.i Describe the SEA’s methodology for identifying highest-performing and high-progress schools as reward schools. If the SEA’s methodology is not based on the definition of reward schools in ESEA Flexibility (but instead, e.g., based on school grades or ratings that take into account a number of factors), the SEA should also demonstrate that the list provided in Table 2 is consistent with the definition, per the Department’s “Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions” guidance.

BIE has developed a methodology for identifying highest-performing and high-progress schools as Reward schools. However, the list of Reward schools contained in Table 2 is based on state assessment data from 23 states for SY 2010-2011, since that is all BIE had available for calculation at this time. BIE will submit a new list of reward schools that is derived from a methodology used for identifying highest-performing and high-progress schools once the 2011-12 assessment data is available.

BIE’s methodology rank orders schools to determine the highest achieving schools as well as lowest performing schools. The BIE used the “all students” group (whole school) that included those students who are assessed in reading/language arts and mathematics using the assessments given in the state in which the school is located as required under section 1111(b)(3) of the ESEA. The “all students” group is comprised of students in grades 3 through 8 and high school students for whichever grade is assessed in the 23 states where BIE schools are located. The “all students” group includes limited English proficient (LEP) students and students with disabilities (SWD), including students with significant cognitive disabilities who take an alternate assessment based on alternate academic achievement standards. BIE rank ordered all BIE schools for which the BIE is responsible for reporting AYP status.

High performing schools - A Title I school (all BIE-funded schools) has the highest absolute performance at the 5% level or better for the “all students” group and for all subgroups, on the Reading/Language Arts assessments that are part of the SEA’s differentiated recognition, accountability, and support system.

- At the high school level, school is also among the Title I schools with the highest graduation rates of at least 75%.
- A highest-performing school must be making AYP for the “all students” group and all of its subgroups.
- A school may not be classified as a “highest-performing school” if there are significant achievement gaps across subgroups that are not closing in the school.

High progress schools - A Title I school (all BIE-funded schools) is among the ten percent of Title I schools that are making the most progress at the 5% level or better in improving the performance of the “all students” group over a number of years on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system

- At the high school level, school is also among the Title I schools that are making the most progress in increasing graduation rates of at least 75%.
- A school may not be classified as a “high-progress school” if there are significant achievement gaps across subgroups that are not closing in the school.

BIE used the process outlined below for identification and determination of the highest achieving schools, referred to as reward schools. The BIE identified the highest-achieving 5% of all 174 BIE elementary and secondary schools in the system as all schools receive Title I funding. These schools have been identified as reward schools. The number of schools identified in the top 5% of BIE schools is nine. The BIE uses the U.S. ED’s 4-Year Adjusted Cohort Graduation Rate (ACGR) since none of the BIE secondary schools use the graduation rate defined in 34 C.F.R. § 200.19(b).²⁶ This measures the number of students who begin high school in a specific cohort against those who graduate on-time from that cohort. The BIE factored in the 4-year ACGR to identify the highest achieving schools with an 80% or greater graduation rate for school years 2007-08, 2008-2009, 2009-2010, 2010-2011, which included 2 BIE high schools as part of the reward schools list.

The highest achieving five (5) percent of BIE schools (n = 9 schools) was calculated using an adding ranks method determined by the following series of calculations:

- 1) Calculated the percent of students proficient in reading/language arts for every school using the most recent assessment data available (SY 2010-2011).
- 2) Calculated the percent of students proficient in mathematics for every school using the most recent assessment data available (SY 2010-2011).
- 3) Rank ordered the schools based on percent of students proficient in reading/language arts from the lowest to the highest.
- 4) Rank ordered the schools based on percent of students proficient in mathematics from the lowest to the highest.
- 5) Rank ordered the schools based on the sum of the reading/language arts and mathematics ranks for each school. The schools with the highest sum ranking score (percent of students proficient in reading/language arts added to the percent of students proficient in mathematics, then divided by 2) were identified as the highest-achieving schools.
- 6) After the adding ranks method was used to identify highest achieving schools, high schools with a graduation rate 80% or greater were included.

The BIE used the definition of proficient for each of the states where the schools are located. No attempt was made to “weight” or analyze the disparity in proficiency cut scores and annual measurable objectives determined by each state and/or to analyze and compare the rigor of the actual assessments given in each of the 23 states.

2.C.ii Provide the SEA’s list of Reward schools in Table 2.

Listed in Table 2 is a full listing of Reward, priority, and Focus schools (see Attachment 9).

²⁶ 34 C.F.R. § 200.19(b)(i)(A) states: “A State must calculate a ‘four-year adjusted cohort graduation rate,’ defined as the number of students who graduate in four years with a regular high school diploma divided by the number of students who form the adjusted cohort for that graduating class.”

BIE will submit a new list of reward schools that is derived from a methodology used for identifying highest-performing and high-progress schools once the SY 2012-2013 assessment data has been base-lined. At present BIE has 23 states' assessment data, so we cannot make the requested comparison until a unified set of assessment data is available.

2.C.iii Describe how the SEA will publicly recognize and, if possible, Reward highest-performing and high-progress schools.

Under the NCLB requirement regarding State Recognition, the BIE has publicly recognized schools in the category of making “AYP” at national training institutes by providing plaques at special evening events or during general sessions. The issue of using the accountability systems of the 23 states in which BIE-funded schools are located also has a significant impact on the BIE’s academic achievement awards programs. Using student performance data that is nearly two years old by the time the AYP determinations have been completed and then providing special recognition devalues the efforts of these schools. Other means of recognizing and rewarding schools funded by BIE have occurred through special partnerships with scientific labs and business entities to provide training and other supports to these higher performing schools based on the number of students who were proficient in reading/language arts and mathematics. BIE will replace its current recognition system with Rewards designated for schools that achieve proficiency and growth under BIE’s new accountability system.

A school must be a Reward-Performing or Reward-Progress in order to be nominated for national awards, such as the National Blue Ribbon Award or National Title I Distinguished School Award. Schools identified for Reward status will be consistent with the definition of either a “high-performing school” or a “high-progress school” as set forth in the *ESEA Flexibility* document.

BIE will recognize the Reward schools publicly in a system-wide announcement in August and September in two ways: a) announcements at school-wide assemblies held at the beginning of the school year; and b) presentation of a symbol of recognition, such as a plaque or certificate. Title I funds will be used to support the public acknowledgement of Reward schools receiving that recognition.

➤ *Has the SEA consulted with LEAs and schools in designing its recognition, and, where applicable, Rewards?*

BIE has solicited input from a range of stakeholders about suggestions for additional Reward strategies for high-performing and high-progress schools and to assess the potential support (as well as the likelihood of being able to implement same) for additional strategies that are put forth. The goal of this effort is to establish more meaningful recognition of the Reward schools, while at the same time provide models of high performing and high progress schools for the other BIE schools to access as examples within BIE’s school system. Model descriptions of each school receiving a Reward rating will be posted on the BIE’s website for other aspiring schools to access.

2.D PRIORITY SCHOOLS

2.D.i Describe the SEA’s methodology for identifying a number of lowest-performing schools equal to at least five percent of the State’s Title I schools as priority schools. If the SEA’s methodology is not based on the definition of priority schools in ESEA Flexibility (but instead, e.g., based on school grades or ratings that take into account a number of factors), the SEA should also demonstrate that the list provided in Table 2 is consistent with the definition, per the Department’s “Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions” guidance.

Did the SEA describe its methodology for identifying a number of lowest-performing schools equal to at least five percent of the State’s Title I schools as Priority schools?

BIE has developed a methodology for identifying a number of lowest-performing schools, equal to at least five percent of the BIE’s Title I schools as Priority schools. Further, BIE’s methodology is based on the definition of Priority schools in ESEA Flexibility.

When the BIE replaces its current assessment with an interim unified assessment in 2012-13, Priority schools will be determined based on BIE’s new accountability plan. For example, student growth within a year will be measured and combined with proficiency scores to determine achievement which will be computed into an Annual Measurable Objective (AMO) for the school. This is different from the current computation of only using proficiency scores.

The lowest performing five percent of BIE schools ($n = 9$) was calculated using an adding ranks method determined by the following series of calculations:

- 1) Calculated the percent of students proficient in reading/language arts for every school using the most recent assessment data available (SY 2010-2011).
- 2) Calculated the percent of students proficient for mathematics in every school using the most recent assessment data available (SY 2010-2011).
- 3) Rank ordered the schools based on percent of students proficient in reading/language arts from the lowest to the highest.
- 4) Rank ordered the schools based on percent of students proficient in mathematics from the lowest to the highest.
- 5) Rank ordered the schools based on the sum of the reading/language arts and mathematics ranks for each school. The schools with the lowest sum ranking score (percent of students proficient in reading/language arts added to the percent of students proficient in mathematics, then divided by 2) were identified as the lowest-achieving schools.
- 6) After the adding ranks method was used to identify schools, high schools with a graduation rate less than 60% were included.

For school years 2013-14 and 2014-15, priority schools will be identified by using an adding ranks methodology based on the interim BIE assessment that has a vertically integrated scale that allows

the BIE to estimate an individual student’s progress at grade level, above grade level, or below grade level.

2.D.ii Provide the SEA’s list of Priority schools in Table 2.

Listed in Table 2 is a full listing of Reward, Priority, and Focus schools (see Attachment 9).

a. Did the SEA identify a number of Priority schools equal to at least five percent of its Title I schools?

As noted in 2.C.ii, BIE produced a ranking list for all BIE schools. All 174 BIE schools are eligible for and receive Title I funding. The BIE is submitting a preliminary list of its 5% lowest performing, priority schools, using the achievement data from the assessments administered in SY 2010-11 as well as the graduation rate data for SY 2010-11. The preliminary list includes nine (9) of BIE’s 174 schools, with two of the three high schools with graduation rates less than 60%.

b. Did the SEA’s methodology result in the identification of Priority schools that are –

- i. Among the lowest five percent of Title I schools in the State based on the achievement of the “all students” group in terms of proficiency on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system, combined, and have demonstrated a lack of progress on those assessments over a number of years in the “all students” group;*

The BIE used the “all students” group (whole school) that included those students who are assessed in reading/language arts and mathematics using the assessments in which the school is located as required under section 111(b)(3) of the ESEA. The “all students” group is comprised of students in grades 3 through 8 and high school students for whichever grade is assessed in the 23 states where the 174 BIE schools are located. The “all students” group includes limited English proficient (LEP) students and students with disabilities (SWD), including students with significant cognitive disabilities who take an alternate assessment based on alternate academic achievement standards. The BIE defines lack of progress as at least two consecutive years of not making AYP in the “all students” group.

- (i) Title I-participating or Title I-eligible high schools with a graduation rate less than 60 percent over a number of years; or*

All 174 BIE schools are eligible to participate in Title school wide programs. This includes all 63 BIE secondary schools that were ranked according to their student proficiency and graduation rates less than 60%.

- (ii) Tier I or Tier II schools under the School Improvement Grants (SIG) program that are using SIG funds to fully implement a school intervention model?*

BIE’s list of priority schools includes schools identified for the 1003(g) SIG program. BIE included the 5% lowest performing schools identified as Tier I schools, as well as the next 10% lowest performing schools as Targeted Tier III schools. BIE does not have any Tier II schools as all schools are eligible and receive Title I funding, including high schools. All BIE schools that receive SIG funding are implementing a school intervention model.

2.D.iii Describe the meaningful interventions aligned with the turnaround principles that an LEA with Priority schools will implement.

Are the interventions that the SEA described aligned with the turnaround principles and are they likely to result in dramatic, systematic change in Priority schools?

The interventions BIE plans to use are aligned to the Turnaround Principles defined in ESEA Flexibility. Implementation of these interventions will assist BIE in effecting dramatic, systemic change in priority schools. BIE uses a Seven Point Intervention Plan, which is directly based upon the Turnaround Principles for turning around its lowest performing schools. This framework establishes team structures to address the areas of: principal leadership; effective teachers able to improve instruction; additional time for student learning and teacher collaboration; provision of an instructional program that is research-based, rigorous, and aligned with academic content standard; use of data to inform instruction and for continuous improvement; a school environment that improves safety and discipline and address the students' social, emotional, and health needs; and on-going engagement of families and communities.

Seven Point Intervention Plan		
<i>Turnaround Principle</i>	<i>Turnaround Intervention</i>	<i>BIE Strategies</i>
1. Strong leadership	a) Review performance of principal b) Replace principal or assurance can lead turnaround effort	<ul style="list-style-type: none"> ▪ Employee Performance Appraisal – Rewards and supports ▪ Choice of SIG Model ▪ Principals' Academy
2. Effective teachers	a) Review quality of instructional staff and retrain only those with potential to be effective b) Prevent ineffective teachers from transferring c) Provide job-embedded professional development	<ul style="list-style-type: none"> ▪ Employee Performance Appraisal - Rewards and supports ▪ CORE Professional Development (i.e., literacy, math, RtI, and ELL support) ▪ CORE Technical Assistance for SIG schools ▪ Individual Development Plan ▪ Teachscape Professional Development (i.e., teacher evaluation, professional learning, and school improvement) ▪ Power of Teaching ▪ ELL intervention strategies
3. Redesign school day, week, or year	a) Provide additional time for student learning and teacher collaboration	<ul style="list-style-type: none"> ▪ BIE evaluating (i.e., funding, labor CBA) ▪ Choice of SIG Model
4. Strengthen the school instructional program	a) Base instruction on student needs b) Design instructional program that is research-based, rigorous, and aligned with State academic content standards	<ul style="list-style-type: none"> ▪ RtI with emphasis on students with disabilities and limited English proficient students ▪ CompassLearning Odyssey ▪ Literacy Plan ▪ ELL intervention strategies ▪ Choice of SIG Model ▪ Site visits ▪ Progress Monitoring

		<ul style="list-style-type: none"> ▪ Intervention/Improvement Plan ▪ School Improvement Plan ▪ Teachscape Professional Development (i.e., school improvement) ▪ Power of Teaching ▪ NASIS Lesson Plan Module ▪ NASIS Special Education IEP Module ▪ Drop-Out Prevention Initiative
5. Data to inform instruction and for continuous improvement	<ul style="list-style-type: none"> a) Use data to inform instruction and for continuous improvement b) Schedule time for collaboration on the use of data 	<ul style="list-style-type: none"> ▪ NWEA MAP Assessments Quarterly Roll-up sessions ▪ Native Star ▪ NASIS ▪ Special Education Data Summit ▪ ELL intervention protocol
6. School environment	<ul style="list-style-type: none"> a) Establishing school environment with school safety, discipline, and non-academic factors (e.g., students' social, emotional, and health needs) that impact student achievement 	<ul style="list-style-type: none"> ▪ Youth Risk Behavior Survey ▪ School Safety Audits ▪ Technical Assistance on Bullying Prevention ▪ BIE National Policy Memorandum (NPM) on Suicide Prevention ▪ Technical Assistance on Suicide Prevention and Drug & Alcohol Prevention ▪ BIE evaluating use of a school climate instrument
7. Family and community engagement	<ul style="list-style-type: none"> a) Provide ongoing mechanisms for family and community engagement 	<ul style="list-style-type: none"> ▪ Native Star Family Engagement Tool (FET) ▪ School Improvement involvement ▪ BIE Summer Institute training ▪ FACE family engagement (birth-5 years old)

In addition, BIE has established a team structure to carry out the Seven Point Intervention Plan, based on collaborative work with the Center on Innovation & Improvement (CII). BIE's team structure based upon the CII's model identifies teams and their purposes as follows:

- **The Leadership Team** comprised of the principal and team leaders from the Instructional Teams (grade level or subject areas teams). The leadership Team functions as the School Improvement Team, with parent members attending meetings scheduled for purposes of reviewing and amending the school improvement plan.
- **Instructional Teams** are manageable groupings of teachers by grade level or subject area that meet to develop instructional strategies aligned to the standards-based curriculum and to monitor the progress of the students in grade levels or subject area for which the team is responsible.
- **A Family and Community Engagement Team** is comprised of the principal, counselor, social worker, teachers, and parents (typical configuration), with parents constituting the majority of the membership. The Family/Community Engagement Team advises, plans, and assists with matters related to the school-home compact, homework, open houses, parent-teacher conference, school-home communication, and parent education (including training and information about learning standards and parents' role in supporting children's learning at home).

The BIE will continue to follow the guidance provided in the ESEA Flexibility Request and the 1003(g) SIG and strengthen its current school turnaround approach through BIE’s newly established Academic Achievement Office. Schools will continue to receive SIG funding to focus on rapidly and significantly turning around their schools.

The BIE uses the 1003(g) SIG models of turning around its “persistently lowest performing” schools. Only the Turnaround Model and Transformation Model are applicable with BIE’s school system as they are aligned to the actions identified in the BIE’s Seven Point Intervention plan. The Restart Model and School Closure are not available as options for BIE schools. The Restart Model can only occur if the school becomes a State charter school, as BIE has no authority to recognize a “charter” school in its current system. The School Closure is not an option unless the tribe chooses to close a school. BIE does not have the authority to unilaterally close a school given current laws and regulations. The two models implemented by BIE are described below.

Turnaround Model

The Turnaround model requires: replacing the principal; screening all existing staff, and rehiring no more than 50 percent, then replacing those staff not rehired with new staff; providing staff with on-going, high quality, job-embedded professional development aligned to the instructional program; implementing an instructional program that is research-based and vertically aligned from one grade to the next, as well as aligned with academic standards; promoting continuous use of data that includes formative, interim, and summative assessments to inform and differentiate instruction in order to meet the academic needs of individual students; establishing schedules and implementing strategies that provide increased learning time; providing appropriate social-emotional and community-oriented services and supports for students; and finally, adopting a new governance structure that requires the BIE.

Transformation Model

The Transformation model addresses four specific components critical to transforming the lowest achieving schools. These components include:

- Developing teacher and school leader effectiveness;
- Implementing comprehensive instructional reform strategies;
- Increasing learning time and creating community-oriented schools; and
- Providing operational flexibility and sustained support.

a. Do the SEA’s interventions include all of the following?

(i) providing strong leadership by: (1) reviewing the performance of the current principal; (2) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the SEA that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and (3) providing the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budget;

The first step a school must take in implementing a Turnaround/Transformation program is to determine whether the existing principal possesses the necessary competencies to be a turnaround leader. BIE’s past practice of coordinating with the ADD and the ELO has shown the organization’s need in this area requires a stronger commitment for all groups to come to the table

and find the best solutions for assisting the school in understanding the sense of urgency to turnaround their school. As such, the BIE Academic Achievement Office will work closely with the ADD, ELO, and School Boards to make that determination. It is critical that the BIE undertake a search for “School Turnaround Leaders” versus just any certified school administrator. Knowing that the traditional principal pool is already stretched to capacity, BIE must undertake a national recruitment effort beginning in SY2012-13 to find such leaders for the priority schools.

Using the research that suggests successful leaders in the turnaround setting possess competencies different from successful leaders in already high-performing organizations, BIE will develop targeted training and support that will ensure the following competencies are nurtured in BIE Turnaround Leaders:

- **Driving for Results** – the turnaround leader’s strong desire to achieve outstanding results and the task-oriented actions required for success.
- **Influencing for Results** – motivating others and influencing their thinking and behavior to obtain results. Turnaround leaders cannot accomplish change alone, but instead must rely on the work of others.
- **Problem-solving** – including analysis of data to inform decisions, making clear, logical plans that people can follow, and ensuring a strong connection between school earnings goals and classroom activity.
- **Showing Confidence to Lead** – staying visibly Focused, committed, and self-assured despite the barrage of personal and professional attacks common during turnarounds.²⁷

BIE will work with the Human Resources Office to research possibilities of importing talent from outside resources, such as the “Troops to Classrooms” project, and other sources following the lessons and recommendations from *Importing Leaders for School Turnarounds*, a report published by the schools of business and education at the University of Virginia in 2011.

The BIE will continue the practice of using the 99 Rapid Improvement Indicators in the Native Star web-based system. The Principal as Instructional Leader is one of the components used in BIE’s current System of Support and prominent in the Native Star continuous improvement process. All schools are required to address the 99 Rapid Improvement Indicators that are tied to effective schools research and best practices. The school’s Leadership Team begins by assessing the following indicators specific to the Principal as Instructional Leader:

- Principal makes sure everyone understands the school’s mission, clear goals (short and long term), and their roles in meeting the goals.
- Principal models and communicates the expectation of improved student learning through commitment, discipline, and careful implementation of sound practices.
- Principal participates actively with the school’s teams.
- Principal keeps a Focus on instructional improvement and student learning outcomes.
- Principal monitors curriculum and classroom instruction regularly.
- Principal spends at least 50% of his/her time working directly with teachers to improve instruction, including classroom observations.

²⁷ Public Impact, Lucy M. Steiner, Emily Ayscue Hassel, Bryan Hassel, Eli Valsing, Sarah Crittenden. *School turnaround leaders: Competencies for success*, June 2008.

- Principal challenges and monitors unsound teaching practices and supports the correction of them.
- Principal celebrates individual, team, and school successes, especially related to student learning outcomes.
- Principal offers frequent opportunities for staff and parents to voice constructive critique of the school’s progress and suggestions for improvement.

The School Leadership Team conducts an assessment of these nine indicators to determine the level of development or implementation as “No development or Implementation”; “Limited Development or Implementation”; or “Full Implementation.” Once the School Leadership Team has determined if the indicator is a high, medium or low Priority and level of difficulty the indicator will be to develop or implement, the Team describes the current level of development or implementation. Once these nine indicators are assessed, the School Leadership Team can continue to assess their progress and plan and monitor their improvement.

(ii) ensuring that teachers are effective and able to improve instruction by: (1) reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs;

(iii) redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;

(iv) strengthening the school’s instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with State academic content standards;

(i) redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;

BIE has not created an initiative per se to broadly redesign the school day, week, or year for BIE-funded schools. With respect to BIE-operated schools, those options have been discussed and will continue to be the Focus of discussion to improve schools. However, BIE lacks the broad authority to redesign learning time for tribally-controlled schools. Those schools can only be encouraged to consider such an option.

BIE has utilized the 21st Century Community Learning Centers (CCLC) program, funded by the ED, to expand before- or after-school learning enrichment opportunities for students. BIE provides grants to BIE-funded schools and dormitories to enable them – with the assistance of community partners – to plan, implement, or expand projects that benefit the educational, health, social services, cultural, and recreational needs of the community. The 21st Century Community Learning Centers enables BIE to support schools and dormitories as community education centers keeping children safe in the after school hours and providing academic enrichment, homework centers and tutors, and a range of cultural, developmental and recreational opportunities. In addition, lifelong learning activities are available for community members in the local school setting. School-based 21st Century Community Learning Centers that have been established around the country are providing safe, drug-free, supervised and cost-effective after school, weekend or summer havens for children, youth and their families. The program is designed to deploy support specifically to high-need BIE schools and dormitories that have low achieving students and high rates of juvenile crime, school violence, and student drug abuse, but lack the resources to establish after school centers.

(ii) using data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data;

BIE's priority schools will be required to use the interim assessment to assess each student's learning at three benchmark points: fall, winter and spring. The intermediate assessment data along with other optional learning assessments, such as DIBELS and AIMSweb, will be utilized by the School Support Teams, School Leadership Teams, and School Instructional Teams to collaborate on continuously improving the instructional delivery for all students at the school.

Using the effective practice indicators in Native Star related to curriculum, assessment, and planning, priority schools will ensure:

- Students' learning is assessed frequently with standards-based assessments.
- The school tests each student at least 3 times a year to determine progress toward standards-based objectives.
- Teachers receive timely reports of results from standardized and objectives-based tests.
- The school maintains a central database that includes each student's test scores, placement information, demographic information, attendance, behavior indicators, and other variables useful to teachers.
- Yearly learning goals are set for the school by the Leadership Team, utilizing student learning data.
- Instructional Teams use student learning data to assess strengths and weaknesses of the curriculum and instructional strategies.
- Instructional Teams use student learning data to plan instruction.
- Instructional teams use student learning data to identify students in need of instructional support or enhancement.
- Instructional Teams review the results of unit pre- and post-tests to make decisions about the curriculum and instructional plans and to "red flag" students in need of intervention (both students in need of tutoring or extra help and students needing enhanced learning opportunities because of their early master of objectives).

(iii) establishing a school environment that improves school safety and discipline and addressing other non-academic factors that impact student achievement, such as students' social, emotional, and health needs; and

BIE has made systemic improvements to target school climate. The major initiative targets schools and dormitories by assisting them in building and sustaining effective positive supports within their classrooms and campuses. The training, developed by the University of Oregon, Institute on Violence and Destructive Behavior, builds the capacity of the positive behavior teams at the local school or dormitory. The teams use the Native American Student Information System (NASIS) for data review, to develop data driven decisions, and to consistently implement the program. Currently, the NASIS contractor, Infinite Campus provides behavior reports on a monthly basis that are aligned with the University of Oregon's behavior program. The reports will be provided at the local level and the Education Line Office and Associate Deputy Directors. With this report, all levels of BIE will be able to identify trends and target technical assistance for their respective agencies. This will be the first time reports of this magnitude will be available on an ongoing basis.

The Safe and Drug Free Schools Program provided ten regional technical assistance sessions targeting bullying and suicide in 2009 and 2010. The 16 hour training provided fundamental information, evidence and researched based best practices, and a high degree of participant interaction. All participants had to pass a competency exam in order to receive a certificate of attendance.

The annual BIE Summer Institutes in 2009, 2010, 2011, and 2012 included two strands that addressed safe schools issues. The first strand offered positive behavior supports. The second strand provided safe and secure schools updates and included the BIE Emergency Prepared Plan (EPP) schools would use to revise and update their current plans. BIE staff also attended the BIE's Suicide Prevention and Anti-Bullying technical assistance sessions where experts in the field provided up to date information and trends in the field of safe and secure schools.

BIE has hired three School Safety Specialists who are dedicated to their respective ADD region (East, West & Navajo). The specialists provide specific technical assistance for their Associate Deputy Directors region and work in collaboration with the Division of Performance and Accountability.

BIE also has a Suspected Child Abuse and Neglect (SCAN) Specialist to specifically address and follow up on reports filed in BIE schools and dormitories.

BIE also will roll-out the Youth Risk Behavior Survey (grades 6-12) results that have monitored behaviors that place adolescents most at risk for premature morbidity and mortality, for grades 6-12. The survey monitors six categories of Priority health-risk behaviors among youth and young adults, including:

- Behaviors that contribute to unintentional injuries and violence
- Tobacco use
- Alcohol and other drug use
- Sexual risk behaviors
- Unhealthy dietary behaviors
- Physical inactivity

The survey also monitors the prevalence of obesity and asthma. The survey has been adapted to include tribal-specific issues of interest to particular schools and tribes.

These data will be available and disseminated in fall of 2012. Technical assistance will be provided on the development of interventions based on the current data set. The survey has been administered by BIE since 1997 on a two-three year basis.

BIE is also exploring the possibility of implementing a comprehensive school climate instrument to complement the Youth Risk Behavior Survey. The purpose of administering a school climate instrument is to identify nonacademic factors that impinge upon students' academic performance. BIE recognizes that the relationship between school climate and learning is a critical area for BIE to explore to support academic achievement.

School safety and security are high priorities in the BIE school system, but also a challenge. The BIE has conducted system-wide school safety audits, partially in response to Department of the

Interior Office of Inspector General (OIG) reports in 2008 and 2012, which highlighted safety and security issues in BIE-funded schools. From spring of 2010 to May 2012, a total of 143 school sites have been audited, focusing on school safety, school police, school security services, and costs to ameliorate issues. Findings in the resulting reports have been analyzed to prioritize issues. Support police and security services, for example, have been provided to two off-reservation boarding schools with student populations especially at-risk due to close proximity to urban centers. The services provided have specifically addressed security issues identified in OIG reports of both schools. The next phase of the school safety and security initiative is to provide ongoing training to Education Line Office and school staff.

(i) providing ongoing mechanisms for family and community engagement?

BIE has incorporated mechanisms to support family and community engagement in the school-wide planning process. Designated staff in the Division of Performance and Accountability (DPA) provide support, training, and technical assistance to the Associate Deputy Directors (East, West, & Navajo) and 22 Education Line Office staff on incorporating family engagement in the planning process at schools.

Collaboration with the Academic Development Institute (ADI) and the Center on Innovation and Improvement (CII) on their Family Engagement initiatives has led to BIE introducing to the BIE school system the Family Engagement Tool (FET) which is embedded in the BIE's Native Star tool, which is based on the Indistar web-based tool. Beginning in fall 2011, the BIE provided schools training to utilize the Family Engagement Tool. The FET supports schools' continuous school improvement efforts encompassing family and community engagement.

BIE's Family Engagement approach utilizes a Family Engagement Team consisting of 5-8 individuals, including a school principal, parent liaison, and parents. This team works through a five step process whereby they analyze resources and effective practices that support the family and community engagement. The team's findings are incorporated in the school improvement planning process. In response to requests from schools for further training, a Next Steps training series was developed to assist the Family Engagement Team in understanding the Native Star (Indistar) indicators related to family and community engagement and to assess and plan for these indicators. This initiative has involved parents and community in the school improvement effort and has strengthened their relationship to the schools.

b. Are the identified interventions to be implemented in Priority schools likely to —

- (i) increase the quality of instruction in Priority schools;*
- (ii) improve the effectiveness of the leadership and the teaching in these schools; and*
- (iii) improve student achievement and, where applicable, graduation rates for all students, including English Learners, students with disabilities, and the lowest-achieving students?*

The identified interventions to be implemented in Priority schools will increase the quality of instruction in Priority schools; improve the effectiveness of the leadership and the teaching in these schools; and improve student achievement and, where applicable, graduation rates for all students, including English Learners, students with disabilities, and the lowest-achieving students.

The BIE will use an external provider to provide expert on-site consultation, technical assistance, and professional development related to each school's reading and or mathematics program and

implementation of the curriculum and or programs that are being implemented at the school. A process for school turnaround consisting of six stages will be employed:

- 1) Gather and analyze data to determine priorities
- 2) Explore possible solutions
- 3) Assess readiness and build capacity
- 4) Create and communicate improvement plan
- 5) Implement the plan
- 6) Monitor and adjust

The process will then be repeated as needed to effect needed changes in the school.

The external provider will work collaboratively with pre-K-12 educators to support literacy and math achievement growth for all students. The contractor will develop a continuum of services designed to create and maintain significant improvement in educational quality in schools. The Blueprint shall be based on a multi-tier model at all levels. This model will inform the districts of the progress of the instructional organization for literacy and mathematics, and classroom instruction. This model will also be consistent with the requirement of IDEA and will be based upon the Response to Intervention (RTI) conceptual framework. The model shall include three critical components to sustain improvement:

- Ongoing professional development to build research-based knowledge and skills;
- Support in selecting and implementing effective, research-based instructional tools;
- Establishment of local support systems to build sustainable success.

The external provider schedules and coordinates site visits with Education Line Offices, School Leadership Teams, and when possible school board members are at the school on the day the site visits occur. The contractor will develop an agenda with input and concurrence from the school administrator for each school site visit and will notify and provide a copy of the agenda to the Education Line Officer, Associate Deputy Director and the DPA point of contact.

The external provider will provide a summary of site visits for each school within ten days of the site visit completion with supporting documentation.

➤ *Has the SEA indicated that it will ensure that each of its Priority schools implements the selected intervention for at least three years?*

Priority schools will be required to implement the selected intervention for at least three years.

2.D.iv Provide the timeline the SEA will use to ensure that its LEAs that have one or more Priority schools implement meaningful interventions aligned with the turnaround principles in each Priority school no later than the 2014–2015 school year and provide a justification for the SEA's choice of timeline.

BIE has established a timeline to ensure that Priority schools implement meaningful interventions aligned with the turnaround principles no later than the 2014–2015 school year.

Timeline

- SY 2012-2013 – All priority schools plan and initially implement interventions with preliminary results expected
- SY 2013-2014 – All priority schools fully implement interventions with moderate results expected
- SY 2014-2015 – All priority schools continue implementation of interventions with significant results expected
- SY 2015-2016 and beyond – Lagging priority schools continue implementation of interventions with significant results expected

The above timeline will allow interventions to be put in place and take effect over time. By the third year, significant results are expected. Some schools will realize results on a shorter timeline, while some schools will need more time to turnaround the school.

➤ *Does the SEA’s proposed timeline distribute Priority schools’ implementation of meaningful interventions aligned with the turnaround principles in a balanced way, such that there is not a concentration of these schools in the later years of the timeline?*

The proposed timeline distributes priority schools’ implementation of meaningful interventions aligned with the turnaround principles in a balanced way, such that there is not a concentration of these schools in the later years of the timeline. Schools that are identified as Priority schools will be provided sufficient time to develop and implement a school improvement turnaround plan complete with specific interventions to target schoolwide and subgroup achievement gaps. The BIE will provide a timeline so that plans are completed and approved efficiently to allow time to address pre-implementation activities such as professional development and procurement. The timeline will be developed so that schools can begin implementation prior to the start of the fall semester.

Priority schools will remain under the requirements of implementation of the school improvement/turnaround plan for at least three years in order to fully implement the Turnaround Principles and to build capacity for sustainability. To exit this status, priority schools must meet their Annual Measurable Objective in three consecutive years to advance beyond Priority status.

Because all priority schools are engaged in the school improvement process in SY 2012-2013, the timeline distributes Priority schools’ implementation of meaningful interventions aligned with the turnaround principles in a balanced way so that there is not a concentration of these schools in the later years of the timeline.

2.D.v Provide the criteria the SEA will use to determine when a school that is making significant progress in improving student achievement exits Priority status and a justification for the criteria selected.

BIE has defined criteria to determine when a school that is making significant progress in improving student achievement exits Priority status, along with a justification for the criteria selected. Specifically, the criterion is provided below.

Priority-Turnaround: Schools at the bottom 5% of schools are designated priority schools. Priority schools are targeted for the most intensive interventions. To exit this status, priority schools must meet their Annual Measurable Objective in three consecutive years to advance beyond Priority status.

- a. Do the SEA’s criteria ensure that schools that exit Priority status have made significant progress in improving student achievement?

The justification for using three consecutive years of meeting AMOs is to demonstrate that reform efforts are effectively internalized and success can be sustained over time, rather than being a one-time anomaly.

- *Is the level of progress required by the criteria to exit Priority status likely to result in sustained improvement in these schools?*

If schools can achieve AMO targets over three consecutive years, the indication is the exit Priority status will likely result in sustained improvement in these schools.

2.E FOCUS SCHOOLS

2.E.i Describe the SEA’s methodology for identifying a number of low-performing schools equal to at least 10 percent of the State’s Title I schools as “Focus schools.” If the SEA’s methodology is not based on the definition of Focus schools in ESEA Flexibility (but instead, e.g. based on school grades or ratings that take into account a number of factors), the SEA should also demonstrate that the list provided in Table 2 is consistent with the definition, per the Department’s “Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions” guidance.

- a. *In identifying Focus schools, was the SEA’s methodology based on the achievement and lack of progress over a number of years of one or more subgroups of students identified under ESEA section 1111(b)(2)(C)(v)(II) in terms of proficiency on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system or, at the high school level, graduation rates for one or more subgroups?*
- b. *Is the SEA’s methodology for identifying Focus schools educationally sound and likely to ensure that schools are accountable for the performance of subgroups of students?*

BIE has developed a methodology for identifying a number of low-performing schools equal to at least 10 percent of the BIE system’s Title I schools as Focus schools (all schools are considered Title I).

When the BIE replaces its current 23 states’ assessment model with an interim unified assessment in SY 2012-2013, Focus schools will be determined based on BIE’s new unified accountability plan. For example, student growth within a year will be measured and combined with proficiency scores to determine achievement which will be computed into an Annual Measurable Objective (AMO) for the school. This is different from the current computation of only using proficiency scores.

For the 2013-2014 and 2014-2015 school years, Focus schools will be identified by using an adding ranks methodology described below based on BIE interim assessment that has a vertical scale to

allow the BIE to estimate an individual student’s progress as at grade level, above grade level, or below grade level.

The lowest performing 10% of BIE schools ($n = 17$) was calculated using an adding ranks method determined by the following series of calculations:

- 1) Calculated the percent of students proficient in reading/language arts for every school using the most recent assessment data available (SY 2010-2011).
- 2) Calculated the percent of students proficient for mathematics in every school using the most recent assessment data available (SY 2010-2011).
- 3) Rank ordered the schools based on percent of students proficient in reading/language arts from the lowest to the highest.
- 4) Rank ordered the schools based on percent of students proficient in mathematics from the highest to the lowest.
- 5) Rank ordered the schools based on the sum of reading/language arts and mathematics ranks for each school. The schools with the lowest combined ranking score (percent of students proficient in reading/language arts added to the percent of students proficient in mathematics, then divided by 2) were identified as the lowest-achieving schools.

After the adding ranks method was used to identify schools, high schools with a graduation rate less than 60% were included.

In order to determine “lack of progress,” the BIE repeated Steps 1-5 for one previous year (SY 2009-2010) for each school. Finally, the number of years the school had failed to make AYP was added to the sum to determine lowest performing schools.

2.E.ii Provide the SEA’s list of Focus schools in Table 2.

Listed in Table 2 is a full listing of Reward, Priority, and Focus schools (see Attachment 9).

a. Did the SEA identify a number of Focus schools equal to at least 10 percent of the State’s Title I schools?

As noted in 2.C.ii, BIE produced a ranking list for all BIE schools. All 174 BIE schools are eligible for and receive Title I funding. The BIE is submitting a preliminary list of its 10%, referred to as focus schools that are ranked above the 5% of schools identified as priority schools using the achievement data from the assessments administered in SY 2010-2011 as well as the graduation rate data for SY 2010-2011. The preliminary list includes 24 of BIE’s 174 schools that included an additional seven schools beyond the minimum required number of 17 (10%). These additional seven schools had student academic proficiency rates less than 20%. Seven of the 26 focus schools are high schools with graduation rates less than 60%.

b. Did the SEA’s methodology result in the identification of Focus schools that have — *(i) the largest within-school gaps between the highest-achieving subgroup or subgroups and the lowest-achieving subgroup or subgroups or, at the high school level, the largest within-school gaps in the graduation rate; or*

(ii) a subgroup or subgroups with low achievement or, at the high school level, a low graduation rate?

BIE clearly understands that the achievement gap between the lowest achieving subgroup or subgroups and the highest achieving subgroup or subgroups is an important consideration of the ESEA Flexibility Request.

However, as explained previously in this document, BIE cannot dependably use SWD and LEP subgroups for comparison purposes primarily because the n-size is insufficient in small schools. A confounding problem is that the SWD and LEP subgroups actually form a majority of the school population in some schools, which is counterintuitive to measuring the growth of what is expected to be a subset of a larger school population.

The BIE has devised a workable solution, which is to use an approach based on a super subgroup comprised of the lowest proficient students (currently 20% of all students). This approach recognizes that the traditional overlap between low proficient students and SWD and LEP subgroups. Schools will be measured based on the growth of their lowest 20% of students, which includes low-performing SWD and LEP (ELL) populations. This growth will be compared to the average of the growth of the highest 20% of the students in all BIE schools. The measures are Reading/Language Arts and Math scores. In schools with sufficient n-size for SWD and LEP subgroups, additional analyses can be conducted by BIE to more closely monitor progress of these students.

➤ *Did the SEA identify as Focus schools all Title I-participating high schools with a graduation rate less than 60 percent over a number of years that are not identified as Priority schools?*

BIE's methodology identified as Focus schools all Title I high schools – all schools in the BIE system are considered Title I – with a graduation rate less than 60 percent over a number of years that are not identified as priority schools. BIE identified a total of seven focus schools of its 25 BIE high schools that have a graduation rate less than 60%. All 63 BIE high schools are eligible for and receive Title I-A formula funding to implement a Title I-A schoolwide program. The remaining 18 BIE high schools with graduation rates less than 60% will receive additional supports through the BIE's dropout prevention initiative and will be eligible for additional Interior funds through BIE's Enhancement Programs.

2.E.iii Describe the process and timeline the SEA will use to ensure that its LEAs that have one or more Focus schools will identify the specific needs of the SEA's Focus schools and their students and provide examples of and justifications for the interventions Focus schools will be required to implement to improve the performance of students who are the furthest behind.

Does the SEA's process and timeline ensure that each LEA will identify the needs of its Focus schools and their students and implement interventions in Focus schools at the start of the 2012–2013 school year? Did the SEA provide examples of and justifications for the interventions the SEA will require its Focus schools to implement? Are those interventions based on the needs of students and likely to improve the performance of low-performing students and reduce achievement gaps among subgroups, including English Learners and students with disabilities?

BIE has developed a process and timeline to identify the specific needs of its Focus schools and their students, along with justifications for the interventions Focus schools will be required to implement to improve the performance of students who are the furthest behind.

Process

Every Focus school will be required to write a Rapid Improvement Plan, using the 99 Rapid Improvement Effective Practice Indicators in the Native Star system, with technical assistance provided by the BIE Division of Performance and Accountability (DPA) and the ADD office staff. BIE introduced the Native Star continuous improvement process in SY 2010-2011. As of March 31, 2012, 158 BIE schools are using the Native Star process, which is an on-line reporting tool that allows school improvement teams to inform, coach, track, and report improvement activities. Currently, all but 19 BIE schools are using Native Star process and web-based system to submit required BIE school improvement reports. As such, schools identified as focus schools will be well on their way to developing School Improvement Plans and identifying the required interventions to advance improvement. Those schools that remain on the Focus school list will be expected to continue to implement intervention strategies until they exit Focus status.

Timeline

BIE has established a timeline to ensure that Focus schools implement meaningful interventions aligned with the turnaround principles no later than the 2014–2015 school year.

- SY 2012-2013 – All focus schools plan and initially implement interventions with preliminary results expected
- SY 2013-2014 – All focus schools fully implement interventions with moderate results expected
- SY 2014-2015 – All focus schools continue implementation of interventions with significant results expected
- SY 2015-2016 and beyond – Lagging focus schools continue implementation of interventions with significant results expected

The above timeline will allow interventions to be put in place and take effect over time. By the third year, significant results are expected. Some schools will realize results on a shorter timeline, while some schools will need more time to turnaround the school.

Justifications for Interventions

The proposed process and timeline engages all focus schools in the school improvement process beginning in SY 2012-2013. Interventions will be individualized to the needs of the school. Focus schools will remain under the requirements of implementation of the school improvement plan for at least two years in order to fully implement the Turnaround Principles and to build capacity for sustainability. To exit this status, focus schools must meet their Annual Measurable Objective in two consecutive years to advance beyond focus status.

In regard to reducing achievement gaps among subgroups, including English Learners and students with disabilities, as previously explained BIE is using a super subgroup approach, comprised of lowest proficient students (currently 20% of all students). This approach recognizes that the traditional overlap between low proficient students and SWD and LEP subgroups. Schools will be measured based on growth of their lowest 20% of students, which includes low-performing SWD and LEP (ELL) populations, compared to the average of highest 20% of all BIE schools. The measures are Reading/Language Arts and Math scores. In schools with sufficient n-size for SWD and LEP subgroups, additional analyses can be conducted by BIE to more closely monitor progress of these students.

➤ *Has the SEA demonstrated that the interventions it has identified are effective at increasing student achievement in schools with similar characteristics, needs, and challenges as the schools the SEA has identified as Focus schools?*

The interventions BIE has identified have been effective in increasing student achievement in low performing schools with characteristics, needs, and challenges similar to schools identified as focus schools. The interventions are aligned to the Turnaround Principles defined in ESEA Flexibility. Implementation of these interventions will assist BIE in effecting dramatic, systemic change in focus schools.

BIE uses a Seven Point Intervention Plan, which is directly based upon the Turnaround Principles for turning around its lowest performing schools. This framework establishes team structures to address the areas of: principal leadership; effective teachers able to improve instruction; additional time for student learning and teacher collaboration; provision of an instructional program that is research-based, rigorous, and aligned with academic content standard; use of data to inform instruction and for continuous improvement; a school environment that improves safety and discipline and addresses the students' social, emotional, and health needs; and on-going engagement of families and communities.

Seven Point Intervention Plan		
<i>Turnaround Principle</i>	<i>Turnaround Intervention</i>	<i>BIE Strategies</i>
1. Strong leadership	c) Review performance of principal d) Replace principal or assurance can lead turnaround effort	<ul style="list-style-type: none"> ▪ Employee Performance Appraisal – Rewards and supports ▪ Choice of SIG Model ▪ Principals' Academy
2. Effective teachers	d) Review quality of instructional staff and retrain only those with potential to be effective e) Prevent ineffective teachers from transferring f) Provide job-embedded professional development	<ul style="list-style-type: none"> ▪ Employee Performance Appraisal - Rewards and supports ▪ CORE Professional Development (i.e., literacy, math, RtI, and ELL support) ▪ CORE Technical Assistance for SIG schools ▪ Individual Development Plan ▪ Teachscape Professional Development (i.e., teacher evaluation, professional learning, and school improvement) ▪ Power of Teaching

		<ul style="list-style-type: none"> ▪ ELL intervention strategies
3. Redesign school day, week, or year	b) Provide additional time for student learning and teacher collaboration	<ul style="list-style-type: none"> ▪ BIE evaluating (i.e., funding, labor CBA) ▪ Choice of SIG Model
4. Strengthen the school instructional program	<p>c) Base instruction on student needs</p> <p>d) Design instructional program that is research-based, rigorous, and aligned with State academic content standards</p>	<ul style="list-style-type: none"> ▪ RtI with emphasis on students with disabilities and limited English proficient students ▪ CompassLearning Odyssey ▪ Literacy Plan ▪ ELL intervention strategies ▪ Choice of SIG Model ▪ Site visits ▪ Progress Monitoring ▪ Intervention/Improvement Plan ▪ School Improvement Plan ▪ Teachscape Professional Development (i.e., school improvement) ▪ Power of Teaching ▪ NASIS Lesson Plan Module ▪ NASIS Special Education IEP Module ▪ Drop-Out Prevention Initiative
5. Data to inform instruction and for continuous improvement	<p>c) Use data to inform instruction and for continuous improvement</p> <p>d) Schedule time for collaboration on the use of data</p>	<ul style="list-style-type: none"> ▪ NWEA MAP Assessments Quarterly Roll-up sessions ▪ Native Star ▪ NASIS ▪ Special Education Data Summit ▪ ELL intervention protocol
6. School environment	b) Establishing school environment with school safety, discipline, and non-academic factors (e.g., students' social, emotional, and health needs) that impact student achievement	<ul style="list-style-type: none"> ▪ Youth Risk Behavior Survey ▪ School Safety Audits ▪ Technical Assistance on Bullying Prevention ▪ BIE National Policy Memorandum (NPM) on Suicide Prevention ▪ Technical Assistance on Suicide Prevention and Drug & Alcohol Prevention ▪ BIE evaluating use of a school climate instrument
7. Family and community engagement	b) Provide ongoing mechanisms for family and community engagement	<ul style="list-style-type: none"> ▪ Native Star Family Engagement Tool (FET) ▪ School Improvement involvement ▪ BIE Summer Institute training ▪ FACE family engagement (birth-5 years old)

In addition, BIE has establishing a team structures to carry out the Seven Point Intervention Plan, based on collaborative work with the Center on Innovation & Improvement (CII). BIE's team structure based upon the CII's model identifies teams and their purposes as follows:

- **The Leadership Team** comprised of the principal and team leaders from the Instructional Teams (grade level or subject areas teams). The leadership Team functions as the School

Improvement Team, with parent members attending meetings scheduled for purposes of reviewing and amending the school improvement plan.

- **Instructional Teams** are manageable groupings of teachers by grade level or subject area that meet to develop instructional strategies aligned to the standards-based curriculum and to monitor the progress of the students in grade levels or subject area for which the team is responsible.
- **A Family and Community Engagement Team** is comprised of the principal, counselor, social worker, teachers, and parents (typical configuration), with parents constituting the majority of the membership. The Family/Community Engagement Team advises, plans, and assists with matters related to the school-home compact, homework, open houses, parent-teacher conference, school-home communication, and parent education (including training and information about learning standards and parents' role in supporting children's learning at home).

➤ *Has the SEA identified interventions that are appropriate for different levels of schools (elementary, middle, high) and that address different types of school needs (e.g., all-students, targeted at the lowest-achieving students)?*

Interventions will be geared for the different levels of schools – elementary, middle and high – and tailored to address the different types of school needs. BIE's Seven Point Intervention Plan (see table in section 2.D.iii) defines a range of strategies that can be utilized to address different types of schools needs are different levels of schools in the areas of leadership, effective teachers, extended learning time, school instructional program, data for continuous improvement, and school environment.

Different Levels of Schools

BIE has identified specific interventions that are appropriate for different levels of schools – elementary, middle and high. All of the interventions listed in the Seven Point Intervention Plan below apply to all levels of schools, except the drop out initiative which is designed to target high schools. Conceivably, a middle schools initiative could be developed, as well. Approaches to certain interventions (i.e., literacy and math) will vary according to grade level.

Turnaround Principle and Interventions

1. **Strong leadership**

- Employee Performance Appraisal – Rewards and supports
- Choice of SIG Model
- Principals' Academy

2. **Effective teachers**

- Employee Performance Appraisal - Rewards and supports
- CORE Professional Development (i.e., literacy, math, RtI, and ELL support)
- CORE Technical Assistance for SIG schools
- Individual Development Plan
- Teachscape Professional Development (i.e., teacher evaluation, professional learning, and school improvement)

- Power of Teaching
- 3. ***Redesign school day, week, or year***
 - BIE evaluating (i.e., funding, labor CBA)
 - Choice of SIG Model
- 4. ***Strengthen the school instructional program***
 - RtI with emphasis on students with disabilities and limited English proficient students
 - CompassLearning Odyssey
 - Literacy Plan
 - Choice of SIG Model
 - Site visits
 - Progress Monitoring
 - Intervention/Improvement Plan
 - School Improvement Plan
 - Teachscape Professional Development (i.e., school improvement)
 - Power of Teaching
 - NASIS Lesson Plan Module
 - NASIS Special Education IEP Module
 - Drop-Out Prevention Initiative
- 5. ***Data to inform instruction and for continuous improvement***
 - NWEA MAP Assessments Quarterly Roll-up sessions
 - Native Star
 - NASIS
 - Special Education Data Summit
- 6. ***School environment***
 - Youth Risk Behavior Survey
 - School Safety Audits
 - Technical Assistance on Bullying Prevention
 - BIE National Policy Memorandum (NPM) on Suicide Prevention
 - Technical Assistance on Suicide Prevention and Drug & Alcohol Prevention
 - BIE evaluating use of a school climate instrument
- 7. ***Family and community engagement***
 - Native Star Family Engagement Tool (FET)
 - School Improvement involvement
 - BIE Summer Institute training
 - FACE family engagement (birth-5 years old)

Different Types of School Needs

Targeted interventions will be provided at the school-level for students that are at-risk of not passing a grade level assessment including students with disabilities and students with limited English proficiency. Student eligibility for Special Education will be determined under the provisions of the Individuals with Disabilities Education Act (IDEA). Students with limited English proficiency (LEP) will be identified through the implementation of the World-Class Instructional Design Assessment (WIDA) standards to ensure high quality supports. In the BIE’s continuous school improvement process, the ELO works directly with the school level staff to ensure process and procedures are in place to support improvement of schools. Where participation and proficiency

issues are identified, the BIE addresses sub-group performance by requiring schools to address the accountability issues in their Focus School improvement plans and activities.

2.E.iv Provide the criteria the SEA will use to determine when a school that is making significant progress in improving student achievement and narrowing achievement gaps exits Focus status and a justification for the criteria selected.

Did the SEA provide criteria to determine when a school that is making significant progress in improving student achievement and narrowing achievement gaps exits Focus status?

BIE has defined criteria to determine when a school that is making significant progress in improving student achievement exits Focus status, along with a justification for the criteria selected. Specifically, the criterion is provided below.

Focus-Needs Improvement: Schools in the 15% band of schools above the Priority category are described as Focus-Needs Improvement. This category corresponds to the Flexibility Focus category. To exit this status, these schools must meet their Annual Measurable Objective in two consecutive years to advance from the Focus-Needs Improvement status.

a. Do the SEA's criteria ensure that schools that exit Focus status have made significant progress in improving student achievement and narrowing achievement gaps?

The justification for using two consecutive years of meeting AMOs is to demonstrate that reform efforts are effectively internalized and success can be sustained over time, rather than being a one-time anomaly.

➤ Is the level of progress required by the criteria to exit Focus status likely to result in sustained improvement in these schools?

If schools can achieve AMO targets over two consecutive years, the indication is the exit Priority status will likely to result in sustained improvement in these schools.

TABLE 2: REWARD, PRIORITY, AND FOCUS SCHOOLS

Provide the SEA's list of Reward, Priority, and Focus schools using the Table 2 template (see Attachment 9). Use the key to indicate the criteria used to identify a school as a Reward, Priority, or Focus school.

2.F PROVIDE INCENTIVES AND SUPPORTS FOR OTHER TITLE I SCHOOLS

2.F Describe how the SEA’s differentiated recognition, accountability, and support system will provide incentives and supports to ensure continuous improvement in other Title I schools that, based on the SEA’s new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps, and an explanation of how these incentives and supports are likely to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students.

As previously explained, all schools in the BIE system are designated as Title I. All schools therefore receive Title I-A formula funding and operate schoolwide programs. Consequently, the incentives and supports provided affect all BIE-funded schools across the board.

2.F.i Does the SEA’s differentiated recognition, accountability, and support system provide incentives and supports for other Title I schools that, based on the SEA’s new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps?

BIE has developed a comprehensive system of recognition, accountability, and support that applies to all schools, since all schools in the BIE are considered Title I. That differentiated recognition accountability and support system provides incentives and supports that are likely to improve student achievement, close achievement gaps, and increase the quality of instruction for all students in the BIE.

Incentives

Incentives are available for all schools, but are based on success and therefore accrue to the schools demonstrating the greatest success.

For schools designated as rewards schools – both Performing and Progress – the opportunity to be recognized as a Blue Ribbon School or a National Title I Distinguished School will be available. BIE will cover the costs for these recognition events. BIE will publicly recognize the reward schools on the BIE’s web-site and send a BIE dignitary to honor the school at a school assembly and at high-level and/or national BIE events.

For schools designated as rewards schools and also Satisfactory schools, flexibility will be afforded on their continuous improvement process to select from a group of effective practice indicators that the school chooses to use, such as the Danielson Model of Effective Schools or the Lezotte Model of Effective Schools, and tracking their continuous school improvement process in the Native Star system.

Additional supports will be provided to both reward and satisfactory schools to assist them in concentrating efforts of additional improvements. Supports will include online resources (e.g., Native Star, NASIS), and technical assistance from the approved school improvement partner, the data analysis specialist, and the BIE’s Academic Achievement Office.

Supports

Supports and interventions are directed toward the lowest performing schools in BIE's system with the intent of assisting those schools in becoming more successful. Supports and interventions will match the needs of the schools and will be of duration that enables the schools to reach their goals.

Priority-Turnaround schools will receive the greatest attention. The general approach is summarized in bullet form below.

- This includes Priority schools (at least 5% of lowest performing in BIE's system as determined by the BIE's accountability index).
- For these schools, their ADDs/ELOs will be required to intervene and conduct a comprehensive, on-site diagnostic review to pinpoint problem areas.
- The ADDs/ELOs will be required to meet with the tribal officials and school boards to present the data and problem areas, followed by quarterly collaboration with school boards and School Leadership Teams.
- Schools must conduct self-assessment using the Transformation indicators and develop a plan in the Native Star system.
- Schools must contract with a BIE-approved turnaround partner to implement reform plans.
- Priority Schools have the following options:
 - Implementation of a Turnaround Model replacing the principal; screen existing school staff and rehire no more than half the teachers; adopt a new governance structure; and improve the school through curriculum reform, professional development, extending learning time, and other strategies;
 - Implementation of a Transformation Model replacing the principal and improving the school through comprehensive curriculum reform, professional development, extending learning time, and other strategies.
- For BIE-operated schools that fail to demonstrate improvement after three years, the BIE's Academic Achievement Office will intervene.
- For tribally-controlled schools that fail to demonstrate improvement after three years, the BIE will work with tribal officials to intervene.
- Supports will include online resources, and technical assistance from the approved turnaround partner, the BIE's intervention implementer (i.e., CORE), the data analysis specialist, and the BIE's turnaround team.
- On-site technical assistance visits will be conducted each month.
- Specialists will convene each month to assess the implementation of recommendations provided and determine next steps.

Similarly, Focus-Needs Improvement schools will receive extra attention, but not as dramatic as Priority-Turnaround schools.

- This includes Focus schools (at least 15% of lowest performing above the 5% priority schools in BIE's system as determined by the BIE's accountability index).
- For these schools, their ADDs/ELOs will be required to intervene and conduct a comprehensive, on-site diagnostic review to pinpoint problem areas.

- The ADDs/ELOs will be required to meet with the tribal officials and school boards to present the data and problem areas, followed by semi-annual collaboration with the school board and School Leadership Team.
- Schools must conduct a self-assessment using the 99 Rapid Improvement Indicators and develop a plan in the Native Star system.
- Schools must contract with a BIE-approved turnaround partner to implement reform plans.
- For BIE-operated schools that fail to demonstrate improvement after three years, the BIE's Academic Achievement Office will intervene.
- For tribally-controlled schools that fail to demonstrate improvement after three years, the BIE will work with tribal officials to intervene.
- Specific interventions will vary depending on the needs of the school and their specific performance indicators. Examples include extended learning time, targeted reading and mathematics supports, professional development and implementation assistance.
- Supports will include online resources, and technical assistance from the approved turnaround partner, the BIE's Intervention Implementer (CORE), the data analysis specialist, and the BIE's turnaround team.
- On-site technical assistance visits will be conducted each month.
- Specialists will convene each month to assess the implementation of recommendations provided and determine next steps.

Finally, Transitioning and Progressing schools will be provided support commensurate with their needs and of duration that enables the schools to reach their goals.

- This includes all other BIE schools with less than 60% of their students proficient in Reading/Language Arts and Math.
- For these schools, their ADDs/ELOs will be required to intervene and conduct a comprehensive, desk-top diagnostic review to pinpoint problem areas assessing the 99 Rapid Improvement indicators and developing a plan in the Native Star system and must contract with a BIE-approved turnaround partner to implement reform plans.
- The ADDs/ELOs will be required to meet with the tribal officials and school boards to present the data and problem areas.
- Schools must contract with a BIE-approved school improvement partner to implement their improvement plans that would focus on instructional practice, according to specific needs of the school and their specific performance indicators. Examples include extended learning time, targeted reading and mathematics supports, professional development and implementation assistance.
- Supports will include online resources, and technical assistance from the approved school improvement partner, the data analysis specialist, and the BIE's turnaround team.
- Teleconference will be scheduled each month through the ELO.
- The school improvement providers will convene each month with the ELO to assess the implementation of recommendations provided and determine next steps.

BIE's differentiated recognition, accountability, and support system provides incentives and supports for all its schools that, based on BIE's new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps.

2.F.ii Are those incentives and supports likely to improve student achievement, close achievement gaps, and increase the quality of instruction for all students, including English Learners and students with disabilities?

As explained, subgroups present a real challenge to BIE. BIE cannot dependably use SWD and LEP subgroups for comparison purposes primarily because the n-size is insufficient in small schools. A confounding problem is that the SWD and LEP subgroups actually form a majority of the school population in some schools, which is counterintuitive to measuring the growth of what is expected to be a subset of a larger school population. In schools with sufficient n-size for SWD and LEP subgroups, additional analyses can be conducted by BIE to more closely monitor progress of these students.

The approach taken by BIE is to use a super subgroup comprised of lowest proficient students (currently 20% of all students), because of the traditional overlap between low proficient students and SWD and LEP subgroups. Schools will be measured based on growth of their lowest 20% of students, which includes low-performing SWD and LEP (ELL) populations, compared to the average of highest 20% of all BIE schools. The measures are Reading/Language Arts and Math scores.

Using the super group approach, those incentives and supports provided likely will improve student achievement, close achievement gaps, and increase the quality of instruction for all students, including English Learners and students with disabilities.

2.G BUILD SEA, LEA, AND SCHOOL CAPACITY TO IMPROVE STUDENT LEARNING

2. G Describe the SEA’s process for building SEA, LEA, and school capacity to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps, including through:
- i. timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in Priority and Focus schools;
 - ii. ensuring sufficient support for implementation of interventions in Priority schools, Focus schools, and other Title I schools identified under the SEA’s differentiated recognition, accountability, and support system (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, and other Federal funds, as permitted, along with State and local resources); and
 - iii. holding LEAs accountable for improving school and student performance, particularly for turning around their Priority schools.

Explain how this process is likely to succeed in improving SEA, LEA, and school capacity.

- i. timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in Priority and Focus schools;

The BIE has developed and is utilizing a process for monitoring and providing technical assistance to schools identified as persistently low achieving that qualified for SIG1003(g) funds. BIE staff is

actively involved in leading the effort both to monitor and provide technical assistance to these lowest achieving 5% of schools. Intervention teams have been formed comprised of DPA staff, ELOs, school staff, and outside contractors with particular expertise. The contracted service providers have demonstrated successful experience in: a) turning around low-performing schools; b) implementing interventions designed to dramatically improve student achievement; and c) addressing the needs of English language learners, students with disabilities, and students in historically underachieving subgroups (i.e., Limited English Proficiency and students with disabilities). Building upon this process, the BIE will expand monitoring and technical assistance from a purely SIG model to newly defined Priority and focus schools. The BIE will hold schools accountable for improving student achievement and closing achievement gaps by closely monitoring the extent to which schools are meeting goals and benchmarks described in required accountability plans and the BIE will ensure that there is sufficient support for these schools as they engage in the process of rapid improvement.

The BIE provides the following capacity building activities to ELOs and schools to ensure comprehensive monitoring of and technical assistance for implementation of interventions in Priority and Focus schools:

- Mandatory training regarding the requirements and timeline related to the school improvement process and implementation of interventions.
- BIE reviews the ELO approved school improvement plans following the presentation to the local school board to ensure compliance and potential for success.
- Priority schools: the BIE will conduct once a month monitoring and technical assistance visits to each Priority school. These visits include: a comprehensive interview with the principal; Focus groups with teachers, parents, and students; and classroom observations.
- Focus Schools: the BIE will conduct on-site monitoring and technical assistance visits once a school quarter to each Focus School. These visits include: an interview with the principal; Focus groups with teachers and parents; and classroom observations.
- Review the electronic school improvement plans and progress reports that are part of the BIE Native Star online tool.
- Develop, train, and implement regional SOS to assist schools on utilization of the teacher and leader standards.
- Train the regional SOS on the implementation and alignment of the Common Core State Standards and assessments.
- Develop and provide data team training to regional SOS to increase staff effectiveness and inform instruction.
- Develop supports for professional collaboration which Focuses on school climate and high expectations and collaborative teaching practices.
- Develop tools, practices and procedures to ensure parental and family engagement.
- Develop and implement interventions and instructional strategies for all students including Limited English Proficient students and Students with Disabilities.
- Develop and train on the use of common formative and summative assessments.
- Data coaching based on key data (e.g., NWEA MAP Assessments, NASIS, WIDA-ELD, etc.).
- Strategic planning for implementing Common Core State Standards and high-quality assessments systems.

- Strategies for repurposing resources (fiscal, human, technology, facilities); building community partnerships and partnerships with social service agencies and other providers; and leveraging a variety of data sources to support improvement efforts.

The technical assistance team will help build capacity to support leadership practices to support improved teacher effectiveness (see Principle 3):

- Provide leadership and teacher professional development Focused on what evidence to look for when observing classrooms; coaching for literacy and mathematics; effective modeling practices; planning based on classroom observations; research-based intervention practices; and, response to intervention.
- Provide implementation support and coaching throughout the year for principals and teachers. Model effective practices and provide guided practice until practices are in place independently of the contractor.
- Provide modeling to principals in providing feedback to teachers, and provide guided practice to principals until the principal is able to exhibit practices independently.
- Implement, monitor, and support an intervention model at the school-level with a Focus on students with disabilities and English language learners, including professional development for teachers and other school staff.
- Build the division’s capacity to support low-performing schools and increase student achievement.

To allow the BIE to better monitor school improvement progress throughout the school year and over the course of the interventions, Priority and Focus schools will be required to use the same assessments, school improvement web-based planning tool, data analysis systems, partners and resources, as outlined below:

Native Star. BIE requires Priority and Focus schools to submit their school improvement plan using Native Star. Native Star, a web-based system created and managed by the Center on Innovation and Improvement (CII) for BIE, is aligned to the turnaround principles and designed to monitor the progress of the implementation of school reform plans. A number of evidence-based practices and indicators are provided to inform improvement efforts, but the system can also be customized to reflect customized division or school indicators of effective practice or rubrics for assessment. BIE staff will review plans submitted via Native Star and communicate with priority schools and their districts regarding missing, incomplete, or inadequate plans for each indicator of success. In addition to providing a means for BIE to monitor each district’s level of implementation of reforms, this process will facilitate the introduction of instructional program planning at the Education Line Office and school level, resulting in modifications aligned to ongoing assessments of need and the implementation of reforms, which the district can sustain at no cost after exiting Priority status. Native Star is used to collect professional development activities, strategies for extending learning opportunities, parent activities, and indicators of effective leadership and instructional practice.

Turnaround Partner. BIE partners with the Center on Innovation and Improvement (CII) to assist BIE and BIE-funded schools with various reform efforts specifically for: School Improvement, Statewide Systems of Support, School Turnaround and SIGs, Family Engagement, Extended Learning Time and Supplemental Educational Services.

BIE Liaison. Each Priority and Focus school will be assigned a liaison from BIE staff in the Division of performance and Accountability (DPA). The role of the liaison is to work closely with ELO and school leadership to observe and provide feedback on reform plan implementation.

Fiscal monitoring. BIE will provide ongoing fiscal oversight of expenditures submitted by priority and focus schools to ensure claims match activities included within approved budgets.

Data reviews. BIE will conduct monthly data reviews to ensure that schools and districts make progress towards their goals. BIE will require districts to submit student achievement and school climate data for each of their priority schools. BIE staff will discuss progress towards goals, as evidenced by data, as well as concerns regarding objectives illustrating stagnant or minimal progress.

BIE will require ADDs/ELOs (district) and school staff to identify and communicate strategies to modify existing plans and practices in order to address concerns and improve academic outcomes. This process will facilitate data reviews at the ADDs/ELOs (district) level, resulting in modifications to instructional programming aligned to ongoing assessments of need, which the ADDs/ELOs (district) can sustain at no cost after exiting Priority status.

School monitoring visits. BIE’s SIG monitoring system includes school visits in order to ensure ADDs/ELOs (districts) and schools receiving SIG funds have implemented their approved reform plans with fidelity, identified areas of concern within their implementation, and developed appropriate plans to resolve these issues accordingly. BIE staff will continue this process and conduct four onsite school visits to each funded Priority school annually. Attendees will include the school’s principal, turnaround partner, and district representatives.

NWEA Measures of Academic Progress (MAP). NWEA MAP is a computer adaptive testing (CAT) system that administers tests to determine each student’s overall reading and mathematics achievement. The system adjusts the difficulty of questions based on performance, and tracks the performance of individual students, classrooms, and the school over time. Students are assessed at least three times per year, and the beginning of year data is used to set progress goals for mid-year and end of year growth and proficiency. Students are grouped by tiers based upon skills and need to facilitate meaningful instruction. Priority and Focus schools will be required to utilize this progress monitoring tool to track the efficacy of interventions for selected students.

➤ *Did the SEA describe a process for the rigorous review and approval of any external providers used by the SEA and its LEAs to support the implementation of interventions in Priority and Focus schools that is likely to result in the identification of high-quality partners with experience and expertise applicable to the needs of the school, including specific subgroup needs?*

The BIE will utilize a variety of external providers to assist in its school improvement efforts. As a federal agency, procurement of goods and services is handled by the Office of Acquisitions consistent with the Federal Acquisition Regulation (FAR). The Federal Acquisition Regulation is the principal set of rules in the Federal Acquisition Regulation System, which consists of sets of regulations issued by agencies of the Federal Government to manage what is called the acquisition or procurement process of obtaining goods and services.

BIE will therefore purchase professional services utilizing the FAR system and the Federal Business Opportunities (FedBizOps.gov) online procurement system. Proposals will be solicited from vendors and then evaluated before an award is made based on defined criteria outlined in a performance work statement. The key to procuring high quality services are the requirements detailed in the performance work statement. The process is rigorous for the review and approval of procured professional services.

- i. ensuring sufficient support for implementation of interventions in Priority schools, Focus schools, and other Title I schools identified under the SEA’s differentiated recognition, accountability, and support system (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, and other Federal funds, as permitted, along with State and local resources); and

The BIE will take the following steps to ensure that ELOs and staff in BIE-operated schools are accountable through Employee Performance Appraisal Plans (EPAP) for improving school and student performance, particularly for turning around Priority and Focus schools:

- The BIE requires ELO and school participation in the school improvement appraisal and planning process.
- The BIE requires ELO and school participation in the mandatory training meetings for all priority and focus schools.
- The BIE requires the ELO and school to present the revised school improvement plan to the local board of education.
- The BIE will monitor, at least once annually, each ELO that has priority or focus schools to ensure implementation of required interventions and ELO technical assistance to the schools.
- The BIE will review the Quarterly Progress Reports submitted for each Priority and Focus school to ensure that the school improvement activities outlined in each school improvement plan are being implemented.
- Reform-oriented duties will be specifically included in the BIE performance appraisal process, known as Employee Performance Appraisal Plans (EPAP)

The BIE will provide extensive support and guidance to ensure ELOs and schools, together with the technical assistance team, implement a model that meets the turnaround principles or one of the four US Department of Education intervention models in priority schools. The BIE will monitor the implementation of school improvement interventions in Priority, as well as Focus and other schools, on a cyclical basis.

- ii. holding LEAs accountable for improving school and student performance, particularly for turning around their Priority schools.

Explain how this process is likely to succeed in improving SEA, LEA, and school capacity.

As explained previously in this document, the term LEA does not readily translate to the BIE-funded school system. For some purposes, schools are designated LEAs by NCLB and other legal documents. For all practical purposes, however, the Education Lines Offices, in tandem with the

three Associate Deputy Director offices, function as LEAs in the BIE system. In terms of accountability for school and student performance, both the ADDs/ELOs and schools should be held accountable.

The BIE will take the following steps to ensure that ELOs and staff in BIE-operated schools are accountable for improving school and student performance, particularly for turning around priority and focus schools:

- The BIE requires ELO and school participation in the school improvement appraisal and planning process.
- The BIE requires ELO and school participation in the mandatory training meetings for all priority and focus schools.
- The BIE requires the ELO and school to present the revised school improvement plan to the local board of education.
- The BIE will monitor, at least once annually, each ELO who has priority or focus schools to ensure implementation of required interventions and ELO technical assistance to the schools.
- The BIE will review the Quarterly Progress Reports submitted for each Priority and Focus school to ensure that the school improvement activities outlined in each school improvement plan is being implemented.

PRINCIPLE 2: SUMMARY

It is anticipated that continuous school improvement will need a comprehensive effort from the school, DPA, ELO, ADD, and other resources to make significant progress. Funding for priority and focus schools is available and the BIE is concentrating on those schools not only with the greatest need but also the strongest commitment to make rapid improvements. SIG funding is not just regular school improvement funding offered though the Federal Government this program is intended to make drastic changes to school governance, processes, and procedures.

As for DPA's accountability, all priority and focus schools are required to have intermediate-cycle, formative, curriculum-based measures in place in addition to the required ESEA state assessment. The DPA examines results from these formative assessments quarterly along with other factors such as fidelity of implementation and progress on the leading indicators identified in the final requirements that determine whether, for example, a SIG grant should be renewed.

The BIE reviews annual goals for student achievement in each school. In addition to administering annual state tests, BIE schools are expected to use interim assessments to provide progress reports. Assessments are administered three times a year in the fall, winter, and spring. Furthermore, SIG schools are also required to use short-cycle progress monitoring assessments such as AIMSweb, DIBELS, and others and report quarterly to all key stakeholders.

BIE high schools must also use ACT's EXPLORE, PLAN, AND ACT tests to help students make educational and career plans starting in 8th grade and take them through high school and beyond. Most students take EXPLORE in 8th grade or at the beginning of 9th grade. PLAN is for 10th graders and the ACT is for 11th and 12th graders. BIE's plans call for quarterly reviews of this student achievement data. In addition, BIE's Priority and Focus schools must participate in

technical assistance and demonstrate progress toward specific goals, such as increasing student and teacher attendance and increasing the number of students completing advanced coursework. For Priority schools, the BIE established ambitious goals of 30%-40% gains in the number of students who are proficient and advanced as measured by a criterion referenced assessment fall to spring.

PRINCIPLE 2 OVERALL REVIEW

Is the SEA's plan for developing and implementing a system of differentiated recognition, accountability, and support likely to improve student achievement, close achievement gaps, and improve the quality of instruction for students?

BIE's plan for developing and implementing a system of differentiated recognition, accountability, and support is specifically designed to improve student achievement, close achievement gaps, and improve the quality of instruction for students.

BIE has developed a differentiated recognition, accountability, and support system suitable to the uniqueness of the BIE school system. The differentiated recognition model may evolve over time in response to the ongoing process for evaluating and improving the efficiency and effectiveness of its design, structure, and organization. Self-evaluation and self-correction are basic assumptions built into the model.

The accountability system devised by BIE is a dramatic, if not revolutionary, departure for the BIE, compared to the unworkable 23 states' accountability system mandated by the negotiated rulemaking provision of NCLB. For the first time, the BIE will be able to collect and compare assessment data on key indicators across all BIE-funded schools in 23 states.

The supports needed to advance continuous improvement are based on research-based approaches utilized successfully in other school systems across the country. While the comprehensiveness of the system is in place, any intervention is only as good as the fidelity of its implementation.

Do the components of the SEA's plan fit together to create a coherent and comprehensive system that supports continuous improvement and is tailored to the needs of the State, its LEAs, its schools, and its students? If not, what aspects are not addressed or need to be improved upon?

The intent of the BIE is that the components of the plan fit together to create a coherent and comprehensive system (See Attachment 15). Like any new design, it will need a shakedown cruise and field testing to uncover the flaws and to correct them. Candidly, the supports are the key to improving the quality of instruction and making gains in achievement. The deployment of supports needs to be well coordinated and appropriate to the needs of the schools. Another area of uncertainty is the teacher and principal evaluation and support system, which depend so much upon federal laws and regulations. However, we are optimistic that changes can be made. These changes will affect only one-third of the schools in the system, the BIE-operated schools. Related, a wildcard is the tribally-controlled schools, since BIE does not directly control these schools and therefore cannot as readily implement reforms as it can in BIE-operated schools.

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

3.A DEVELOP AND ADOPT GUIDELINES FOR LOCAL TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS

Select the option that pertains to the SEA and provide the corresponding description and evidence, as appropriate, for the option selected.

Option A	Option B
<input checked="" type="checkbox"/> If the SEA has not already developed and adopted all of the guidelines consistent with Principle 3, provide: <ul style="list-style-type: none"> i. the SEA’s plan to develop and adopt guidelines for local teacher and principal evaluation and support systems by the end of the 2012–2013 school year; ii. a description of the process the SEA will use to involve teachers and principals in the development of these guidelines; and iii. an assurance that the SEA will submit to the Department a copy of the guidelines that it will adopt by the end of the 2012–2013 school year (see Assurance 14). 	<input type="checkbox"/> If the SEA has developed and adopted all of the guidelines consistent with Principle 3, provide: <ul style="list-style-type: none"> i. a copy of the guidelines the SEA has adopted (Attachment 10) and an explanation of how these guidelines are likely to lead to the development of evaluation and support systems that improve student achievement and the quality of instruction for students; ii. evidence of the adoption of the guidelines (Attachment 11); and iii. a description of the process the SEA used to involve teachers and principals in the development of these guidelines.

The BIE recognizes that teacher and principal effectiveness has a greater impact upon student learning than any factor in a school system, especially in BIE-funded schools, which are the lowest performing in the nation.²⁸ The BIE is therefore committed to developing and sustaining teacher and principal evaluation and support systems as a means to support the continuous improvement of instruction.

Principle 3 states two basic requirements: 1) that the SEA develop and adopt guidelines for teacher and principal evaluation and support systems, and 2) that LEAs develop and implement such systems consistent with the SEA’s guidelines. The premise of Principle 3 presents particular

²⁸ Partnership for Learning. *The Impact of Effective Teachers and Principals: Accelerating Student Performance by Focusing on What Matters Most in Our Schools*, July 2010.

challenges to the BIE, which, while not insurmountable, will need to be taken into consideration in meeting this requirement.

Historical Perspective

The BIE serves as an SEA for BIE-funded schools nationally, but does not function as an SEA completely analogous to states. Key differences distinguish the BIE from states, as described below.

First, the Office of Personnel Management, not BIE, develops and issues overall policies affecting hiring in the Federal Government. The individual executive branch agencies appropriately apply the policies and standards to individual personnel actions. The BIE, as a sub-unit of the Department of the Interior, applies uniform policies and procedures for personnel evaluation throughout the Bureau. The approach articulated in Principle 3 that the SEA develop guidelines and the LEAs separately develop evaluation systems for approval by the SEA is not tenable for the BIE as a federal agency. The development of personnel evaluation systems for federal employees is an agency responsibility and not a local responsibility. However, such a centralized approach does not preclude active involvement by teachers and principals in the development and implementation of evaluation systems. The government can specifically request input by principals, as federal employee managers, and work with the employee labor union to solicit input from bargaining unit teachers.

Furthermore, under OPM guidelines, a federal agency may develop more than one appraisal program. Agencies can authorize the development of separate appraisal programs under the framework of their appraisal system. Such an approach would allow an agency's various subcomponents or subpopulations to determine how best to address their needs and cultures and more effectively manage individual and organizational performance by tailoring specific appraisal procedures and requirements to mission and work technology.

Second, the issue of what is an LEA in the BIE system complicates the task of the development of teacher and principal evaluation and support systems by LEAs for approval by the BIE acting as SEA. As explained previously, the 22 Education Line Offices, in tandem with their respective three Associate Deputy Director offices, function as the LEAs of the BIE system. For some purposes, however, NCLB has designated schools as LEA in order to directly receive ESEA funds.

Third, the BIE does not directly operate the majority of schools in its system. The BIE directly operates only 58 schools, while 116 are tribally-controlled. BIE can implement reforms only in schools it operates. BIE cannot require the tribal schools to adopt teacher and principal evaluation and support systems and can only encourage tribally-controlled schools to adopt the BIE's teacher and principal evaluation system.

Regarding BIE-operated schools, the BIE employs approximately 3,800 contract educators in the 174 schools it controls. Employees in the BIE-operated schools are federal employees and are considered Education Contract Personnel in accordance with Public Law 95-561, November 1, 1978, as amended.²⁹ The definition of Education Contract Personnel includes education positions in the BIE's Education Line Offices and the elementary and secondary schools and dormitories

²⁹ Codified at 25 C.F.R. § 38.

operated by the BIE.³⁰ Specific federal regulations govern job performance for teachers and principals within BIE-operated schools. These guidelines are articulated in several documents, including: P.L. 95-561; BIAM 62, Chapter 11; and 370 DM 430. In addition, the Collective Bargaining Agreement (CBA) outlines agreed-upon procedures covering performance standards and evaluation for bargaining unit employees.³¹ Collectively, these guidelines describe the job performance reviews used for all federal employees, including educators and leaders serving students attending BIE-operated schools.

In sum, BIE is a special case with respect to teacher and principal evaluation compared to other SEAs, because the BIE follows federal guidelines for the management and evaluation of personnel. BIE's reform of teacher and principal evaluation systems may necessitate changes encompassing policy, regulations, procedures, internal manuals, internal rules, and agreements. Reform of evaluation systems in BIE-funded schools, both BIE and tribal, is not insurmountable, but will require a different approach than states have taken.

Initial Evaluation Reform Efforts

Reform of teacher and principal evaluation systems is one of the most critical areas of need in the BIE. The BIE has taken steps to reform teacher and principal evaluation and support systems initiatives that support the continuous improvement of instruction. As mentioned above, for example, the BIE has a labor agreement with the union representing bargaining unit employees working in BIE-operated schools. The most recent Collective Bargaining Agreement between the Federation of Indian Service Employees Union (FISE) and the DOI's Office of Indian Affairs was concluded in February 2012.³² Bargaining unit employees include all professional and nonprofessional employees employed in BIE-operated schools, excluding managerial officials, supervisors, and selected other employees.³³ Teachers in BIE-operated schools are represented by a labor union, but schools' principals and superintendents are not. FISE will thus play an important partnership role with BIE in the development and adoption of guidelines for local teacher evaluation and support systems.

Steps in the development of reform initiatives already have been underway between the two parties. Discussions have taken place with the union about revising the existing Employee Performance Appraisal Plan (EPAP), which is the instrument used to evaluate BIE employees, to include a student achievement element. Discussions have centered on schools participating in the EDSIG program. SIG requires the use of data on student progress in the evaluation of teachers. Agreement in principle has been reached with the SIG schools and can be expanded to all BIE-operated schools. A draft Memorandum of Understanding has been developed and is under review by both parties.

In regard to the teachers in tribally-controlled schools, BIE cannot require unilaterally that tribal schools implement a particular evaluation system. However, some leverage is available with schools funded with SIG dollars, since SIG requires the use of data on student progress in the evaluation of

30 See 62 BIAM 11.1.

31 Collective Bargaining Agreement between the Federation of Indian Service Employees Union and the Department of the Interior's Office of Indian Affairs, n.d. See <http://www.bie.edu/HR/Resources/Labor/index.htm>.

32 See <http://ief.aft.org/index.cfm?action=cat&categoryID=559E3C78-738E-42A6-9DCD-C174522891BA>.

33 See CBA, p. 142; Additional excluded employees are described in 5 USC 7112(b)(2), (3), (4), (6) and (7).

teachers. Tribal schools unwilling to include a student achievement component to teacher evaluation will not be eligible for SIG dollars.

Beyond the FISE MOU, the BIE is exploring how it can create and implement an educator and leader evaluation process in BIE-operated schools that applies to all teachers and principals, while concurrently adhering to federal employment regulations and protections. The exploration process by BIE will be conducted to fully engage various stakeholders, including teachers (represented by FISE), principals, superintendents, school boards, and tribal leaders.

3.A.i Is the SEA's plan for developing and adopting guidelines for local teacher and principal evaluation and support systems likely to result in successful adoption of those guidelines by the end of the 2012–2013 school year?

BIE's Plan to Support Effective Instruction and Leadership

In the fall of 2012, BIE plans to establish and convene an Educator Effectiveness Steering Committee. The charge of the Committee is to guide the development of teacher and principal evaluation and support systems as a means to support the continuous improvement of instruction.

The committee will be divided into two workgroups: (a) the Teacher Evaluation Workgroup, and (b) the Principal Evaluation Workgroup. Each workgroup will be charged with developing an evaluation model that adheres to the following key principles:

- 1) Every American Indian and Alaska Native student will be taught by an effective teacher and each school will be led by an effective principal.
- 2) A fair and equitable system to measure the effectiveness of teachers and principals.
- 3) Meaningful differentiation of performance utilizing at least three performance levels.
- 4) A design incorporating multiple valid measures to determine performance levels, including student growth for all students and other measures of professional practice.
- 5) Performance evaluation that will inform improvement of instruction and lead to increased student achievement.
- 6) Utilization of feedback mechanisms to identify needs and guide professional development.
- 7) A comprehensive performance management system that evaluates teachers and principals on a regular basis and forms the basis of personnel decisions.

The workgroups will include a broad cross-section of stakeholders that represent diverse viewpoints. The members will include those individuals currently serving BIE schools as teachers, principals, superintendents, and tribal governing boards or school governing boards, as well as parents, business, and community organizations. The employee labor union representing teachers also will be actively involved in the development process.

A timeline for implementation of evaluation and support systems has been developed. Initial planning for the teacher and principal evaluation system will take place in the late months of school year 2011-2012 and continue into early school year 2012-2013. A piloting phase will be conducted in SY 2012-2013. The evaluation system will become fully operational by the end of school year 2012-2013.

Timeline for Implementation				
Activity	SY 2011-12	SY 2012-13	SY 2013-14	SY 2014-15
Common Core Standards (CCS)		→		
BIE-wide assessments (reading & mathematics)		→		
Evaluations Systems Planning	→			
Principal Evaluation System Pilot		→		
Teacher Evaluation System Pilot		→		
Principal Evaluation System			→	
Teacher Evaluation System			→	

This timeline allows sufficient opportunities for consultation and training to be provided throughout the BIE school system.

In addition, action steps and target dates to accomplish reform of teacher and principal evaluation systems, from design to implementation, have been defined as follows:

Action Steps and Target Dates	
Action Step	Target Date
Initial planning.	March-August 2012
Form Educator Effectiveness Committee.	September 2012
Assign and task Teacher Evaluation Work Group and Principal Evaluation Workgroup.	September 2012
Conduct substantial planning, including the design of complex evaluation systems, with input from a range of stakeholders.	Nov. 2012-Jan. 2013
Conduct outreach to organizations and individuals with expertise in the design of teacher and principal evaluation and support systems.	August 2012
Begin revision process of key authorities and regulations, such as Department of the Interior policy manuals and the FISE-Interior CBA.	January 2013
Piloting of evaluation systems.	Jan.-Feb. 2013
Re-design of systems, based upon pilots and input from stakeholders.	Feb.-Mar. 2013

Provide training to schools and BIE administration regarding the implementation of the evaluation systems.	May-June 2013
Full implementation of evaluation and support systems.	SY 12-13

Detailed work plans will be developed for major stages of the evaluation systems project. Appropriate resources will be allocated to the different workgroups and subgroups.

A critical activity is the design of the evaluation systems. Consideration of various models and criteria is underway, but the special challenges of the BIE as an SEA federal agency will need to be considered. For example, formal tribal consultation may be required as part of the process. BIE will partner with experts in the field of educator evaluation systems in order to accomplish this key task. Partnerships with various non-profit organizations and for-profit companies have been an important part of BIE's reform initiatives. BIE likely will reach out to outside organizations and experts supporting effective instruction and leadership. Topics to be explored include:

- Identification of measures for evaluation of teachers and principals
- Validity and reliability of evaluation measures
- Measures related to academic achievement and school performance
- Evaluation of teachers of non-tested grades and subjects
- Evaluation of teachers of English learners and Limited English Proficiency (LEP) students
- Evaluation of teachers of student with disabilities
- Approaches to providing training, professional development, and technical assistance

It is possible that part of the work needed to develop and sustain teacher and principal evaluation and support systems may involve the work of outside contractors, since this specialized work is beyond the capacity of BIE and Department of the Interior personnel. In that case, the above requirements will be specified in the performance work statement for purchase of services through the federal acquisition process.³⁴

While the development of teacher and principal evaluation and support systems in the BIE school system will present unique challenges, it will become a key element to achieve the continuous improvement of instruction. It will offer a more coherent, unified system of education by including such features as:

- a) Adoption and implementation of the Common Core Standards (CCS)
- b) Single BIE assessments in reading and mathematics;
- c) Options for tribal communities to incorporate local-developed standards and assessments in Native language, culture and history;
- d) BIE's interim accountability system; and
- e) Additional professional development opportunities for principals and educators.

The newly developed evaluation and support systems will achieve reform of a major component of education in BIE-operated schools significantly impacting student performance.

³⁴ Federal acquisitions for professional services are purchased through FedBizOpps.

3.A.ii What is the process the SEA will use to involve teachers and principals in the development of these guidelines?

As explained above, BIE’s approach to the development of evaluation and support systems will need to vary from the approach stipulated by the Flexibility Request, whereby guidelines are developed at the SEA level and evaluations systems will be developed with input from the local level. The BIE will explore how it can create and implement teacher and principal evaluation systems that meaningfully incorporate stakeholder input, while concurrently adhering to federal employment regulations and protections.

The exploration process by BIE will be conducted to fully engage various stakeholders, including teachers (represented by FISE), principals, superintendents, school boards, and tribal leaders. In cooperation with the labor union representing teachers, the BIE will actively ask for input from teachers in BIE-operated schools regarding the development of guidelines. BIE itself will solicit input from principals and superintendents, who are considered management and not represented by the labor union. As a means to help ensure stakeholder input, the Educator Steering Committee will be comprised of representatives across BIE, including teachers, principals, superintendents, school board members, tribal representatives, and BIE administrators.

3.A.iii Has the SEA checked Assurance 15?

Yes, the BIE will submit to the U.S. ED for peer review and approval a copy of the guidelines that it will adopt by the end of the 2012-2013 school year.

3.B ENSURE LEAS IMPLEMENT TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS

3.B Provide the SEA’s process for ensuring that each LEA develops, adopts, pilots, and implements, with the involvement of teachers and principals, including mechanisms to review, revise, and improve, high-quality teacher and principal evaluation and support systems consistent with the SEA’s adopted guidelines.

The BIE has developed a plan and timeframe for the development and implementation of an educator evaluation system that incorporates stakeholder input into the process. This work has begun with the development of a draft Memorandum of Understanding between BIE and the employee labor union, the Federation of Indian Service Employees (FISE). That work will be revisited to expand and concentrate the reform initiatives in light of the ESEA Flexibility Request.

In the development of a model for teacher and principal evaluation, key factors to be addressed include:

- Performance levels
- Reliability and validity
- Training, professional development, and technical assistance

As outlined in section 3.A, the BIE plans to establish and convene an Educator Effectiveness Steering Committee. The Committee will be divided into two workgroups: (a) the Teacher Evaluation Workgroup, and (b) the Principal Evaluation Workgroup. Each workgroup will include a broad cross-section of stakeholders that represent diverse viewpoints, along with expertise and perspectives from tribal leaders. The members will include those individuals currently serving BIE schools in such roles as teachers, principals, superintendents, school boards, and higher education as well as parent, business, and community organizations.

The use of the steering committee and the work groups is essential to the development of high-quality teacher and principal evaluation and support systems. In addition, input into the process by the teacher labor union and local school communities will include additional levels of stakeholder input.

➤ *Does the SEA have a process for reviewing and approving an LEA's teacher and principal evaluation and support systems to ensure that they are consistent with the SEA's guidelines and will result in the successful implementation of such systems?*

As explained above, BIE's approach to the development of evaluation and support systems calls for the systems to be developed at the BIE-SEA level, with adequate input, and the implementation of the systems at the local level. It goes beyond the BIE simply developing guidelines for local level creation of systems. The BIE differs from other SEAs in this respect. Consequently, the BIE will not develop a review and approval process of local evaluation systems with "consistency" and "successful implementation" guarantees. The BIE as the SEA will develop teacher and principal evaluation systems that meet stated reform principles and implementation objectives. Training will be provided throughout the system to ensure consistent implementation.

➤ *Does the SEA have a process for ensuring that an LEA develops, adopts, pilots, and implements its teacher and principal evaluation and support systems with the involvement of teachers and principals?*

Teachers and principals represent two distinct categories in the BIE, and therefore the processes for involvement will be different based upon collective bargaining rights and management classifications. Both groups, however, will be actively involved in the development, adoption, piloting, and implementation of the evaluation and support systems.

Principals are considered management in the BIE, which means their involvement will be facilitated by the BIE as a federal agency. BIE will work with the Office of Human Capital Management in the Office of the Assistant Secretary-Indian Affairs to define overarching guidelines. Typically, such a task is handled by a working group, with representation from across the Bureau.

Teachers are considered bargaining unit employees in the BIE. Such employees are represented by the Federation of Indian Service Employees (FISE) Union. The topic of personnel evaluation is a specific point-of-negotiation in the Collective Bargaining Agreement (CBA), and a topic in which the labor union has a particular interest. Involvement of the teachers in the evaluation and support systems for teachers will be facilitated in cooperation with the employee labor union.

Adoption of the evaluation systems for principals and teachers will be effected through a process of policy and procedures changes at the agency level and reflected for teachers in a revised CBA.

- *Did the SEA describe the process it will use to ensure that all measures used in an LEA’s evaluation and support systems are valid, meaning measures that are clearly related to increasing student academic achievement and school performance, and are implemented in a consistent and high-quality manner across schools within an LEA (i.e., process for ensuring inter-rater reliability)?*

The process for ensuring that all measures used on the evaluator and support systems are valid and reliable is described in section 3.A above. Basically that process will utilize the work of the committees and subcommittees created as part of the evaluation and support systems project. Outside experts are another group that will inform the design of the evaluation systems so that they meet stated criteria, outlined in 3.A above. Contractors to the Federal Government may be utilized, but until work plan is developed it remains uncertain.

- *Does the SEA have a process for ensuring that teachers working with special populations of students, such as students with disabilities and English Learners, are included in the LEA’s teacher and principal evaluation and support systems?*

The BIE has professional staff at the SEA, LEA, and school levels with specific expertise in working with special populations (i.e., students with disabilities and English Learners). That expertise will be drawn upon in the development of teacher and principal evaluation and support systems. Not only teachers, but principals and other educators will be included in the process of development. In regard to students with disabilities, the BIE’s National Advisory Board for Exceptional Children will play an active role in the development of teacher and principal evaluation and support systems.³⁵

- *Is the SEA’s plan likely to be successful in ensuring that LEAs meet the timeline requirements by implementing these systems no later than the 2012–2013 school year?*

A timeline for implementation of evaluations and support systems has been developed. Initial planning for the teacher and principal evaluation system will take place in the late months of School Year 2011-2012 and continue in school year 2012-2013. A piloting phase will be conducted in early 2013. The evaluation system will become fully operational in the subsequent school year 2012-2013.

- *Is the SEA plan for providing adequate guidance and other technical assistance to LEAs in developing and implementing teacher and principal evaluation and support systems likely to lead to successful implementation?*

As explained above, the approach used by BIE will be somewhat different than outlined in the question above. The BIE will adopt a common system-wide model for teacher and principal evaluation and support systems. The system will be implemented locally, but data will be collected centrally to facilitate comparisons system-wide. Adequate guidance will be provided locally by the BIE, but the emphasis will be on implementation of the systems to ensure fidelity to the model, as well as validity and reliability.

- *Is the pilot broad enough to gain sufficient feedback from a variety of types of educators, schools, and classrooms to inform full implementation of the LEA’s evaluation and support systems?*

³⁵ See. 34 C.F.R. § 300.714.

The pilot schools have not been selected at this point. However, a methodology will be employed that ensures a variety of schools, classrooms, and educators will be included to provide a breadth of perspectives and sufficient feedback.

PRINCIPLE 3 OVERALL REVIEW

If the SEA indicated that it has not developed and adopted all guidelines for local teacher and principal evaluation and support systems consistent with Principle 3 by selecting Option A in section 3.A, is the SEA's plan for the SEA's and LEAs' development and implementation of teacher and principal evaluation and support systems comprehensive, coherent, and likely to increase the quality of instruction for students and improve student achievement? If not, what aspects are not addressed or need to be improved upon?

The BIE has developed a comprehensive plan for the development and implementation of teacher and principal evaluation and support systems. The plan proposes a significant reform effort aimed at teacher and principal effectiveness that is designed to increase the quality of instruction for students and improve student achievement. The plan addresses a need of the BIE to effect reform in this area because it is a major factor impacting the student learning in BIE-funded schools.

Collaboration with the employee labor union representing teachers has led to a dialog on the need to reform evaluation and support systems in BIE-operated schools. A draft agreement with the labor union will serve a basis for further collaborations. Additional partners with particular expertise will be brought in to assist in the development of a common model for evaluation systems. Stakeholder groups will play an important role in all phases of the development process (See Attachment 15).

Some areas of the overall plan can be improved upon. The evaluation and support systems developed by the BIE are not applicable to the tribally controlled schools, because those schools operate independent of the BIE. The BIE can, however, make all work produced available to the tribal schools. A strategy to assist the tribal schools in adopting evaluation and support systems designed to increase the quality of instruction for students and improve student achievement has yet to be developed. This task constitutes another dimension of this work.

Principle 4: Reducing Duplication and Unnecessary Burden

The BIE is fortunate in one major way that few states share in common: All BIE-funded schools use the Native American Student Information System (NASIS) for tracking their students. The systematic storage of data in a central repository is helping the BIE to improve the efficiency of its data collections by reducing the episodic burdens of reporting that plague BIE schools. The point is the BIE funds schools rather than local education agencies as conceived under the Elementary and Secondary Education act – district level personnel that handle data for reporting do not exist in the BIE, thus the burden falls on staff at the school for whom data reporting is a secondary concern.

Over the past three years, the BIE has successfully improved its data reporting through the reuse of electronic data and the crafting of computer-based data collections that replace exceedingly low-tech methods. BIE can now access data for student demographic and performance from NASIS and are verified by the schools prior to submission into EdFacts and for public reporting. Adequate Yearly Progress calculations and determinations that had formerly taken approximately four hours to complete during regional verification meetings with the schools now take place virtually in less than half an hour.

The pathway to further reductions in burdensome reporting and duplication of effort is clear: unify the accountability system and eliminate the differences introduced into the system through the use of varying state accountability standards, content standards, and assessments. Reducing to one the number of various mainline accountability systems and handling Alternate AYP where approved represents a massive reduction in burdens at the SEA level of the BIE. Handling a single, electronic file containing all of the BIE's students' test results will eliminate assessment reporting on behalf of schools and simplify data handling. The clearance of the Flexibility Request to use a single assessment aligned to a single set of standards will represent the largest and most important efficiency gain in BIE history. Thousands of hours spent reporting will be given back to the schools immediately.

The efficiency gains will also affect System of Support functions. The reuse of data entered elsewhere into the system combined with the realization of a Longitudinal Data System for tracking achievement trends will be prominently featured in the new accountability system. But the ability for SOS personnel to pare down to a single set of Common Core Standards from 23 separate sets of state standards will result in an immediate efficiency gain for the delivery of professional development and technical assistance. Test results will be quickly returned to the schools along with specific, meaningful recommendations for performance improvement.

Another reduction in reporting burden is achieved using the NativeStar school improvement system. The BIE intends for NativeStar to replace the burdensome and antiquated Performance Improvement Accountability Plan. The quarterly data calls that are engaged by the BIE in support of the PIAP will be jettisoned in favor of unobtrusively collecting the data through NativeStar.

These actions are logical ways for the BIE to internally maximize efficiency. The primary impetus for reporting, however, remains with the requirements of the U.S. ED. Over time, these requirements have become more onerous, burdensome, and duplicative. While the BIE was an early adopter of the Adjusted Cohort Graduation Rate (ACGR) calculation, even with all the students with enrollments entered into NASIS, schools have an extremely difficult time sorting through

hundreds of enrollment records to produce accurate counts for each cohort. The recent move by the Office of Special Education Programs to move to a cohort dropout rate concept is a bridge too far: students falling out of the graduation cohort do not count toward the graduation rate if it takes more than four years for them to complete school; but this will now be compounded by counting as dropouts students that have long since missed their cohort opportunity to graduate on-time as the OSEP calculation observes 14-21 year old students.

The use of either stringent measure with pronounced consequences will inevitably lead schools to report data in other than an accurate manner and in ways that cannot be verified by the BIE at the SEA level. Given the complexity of the reporting, there is a strong incentive for schools to make sure their data is a positive reflection on their respective programs. Short of micromanaging all data entry for the schools, there is no practical solution for this problem that the BIE can reasonably exercise.

While simplification of the accountability system is an important first step to helping the BIE ease the burden and duplication of reporting, the BIE is also requesting that it be allowed to forego reporting on the following EdFacts files and OSEP reports that represent duplication, burdensome reporting, or reporting that is not particularly relevant to how the BIE operates:

OSEP Table 8: Maintenance of Effort and Coordinated Early Intervening Services: The BIE is currently not required to report Maintenance of Effort. But, because the BIE is not subject to disproportionality requirements for Special Education, the CEIS requirement is entirely voluntary on the part of schools. As the schools and BIE generally have a difficult time making sense of Table 8, and because the BIE has no matching requirement for CEIS stemming from disproportionality on the SPP/APR indicators, the BIE would like to immediately stop reporting Table 8.

EdFacts C150: Adjusted Cohort Graduation Rates: C151 collects the graduate cohort numbers meaning that the submission of C150 is the duplication of reporting that could be derived from C151 alone.

EdFacts C40 & C41: The files on graduates and completers are duplicative of C150 & C151 as the BIE already reports by the ACGR method.

EdFacts C63 & C64: Educator Quality: As the standards are changing for how these data are reported to reflect what is in the flexibility package and because the BIE does not have direct human resources control over any of its tribally-controlled schools, the BIE does not believe these data to be relevant to its operation. As is the case with any set of data presented to casual observers, inferences about teacher quality in BIE-operated schools may be confused with teacher quality in tribally-controlled schools. The data here are intermingled, and relevant information is not expressed to the public regarding the proper interpretation of this data. Data on teachers generally would still be available under Title I federally funded staff reporting.

EdFacts C050, C116, C126, C137, & C138: Intermingled files on Title III and LEP students, participation in ELP assessments, ELP attainment, and LEP students served. In the past, the BIE has not submitted files for Title III programs as the BIE did not receive Title III funds. The BIE still does not receive Title III funding, but is now faced with reporting students for LEP purposes alongside Title III students. As some of BIE's schools obtain Title III funding from the state in which the school is located, the prior division of reporting worked as schools reported to the state

information about their Title III programs. With the LEP and Title III now intermingled, the opportunity for double-counting of students abounds. Just as important, the BIE does not conceive of students as English Language Learners. Technically, BIE students are native English speakers, but the influence of Indian languages may have an effect on their English level of proficiency. The BIE also finds the requirement to identify first time LEP testers to be onerous – under 25 CFR § 39.134 the BIE assesses all students for limited English proficiency. The identification of first time takers of the LEP test is difficult for the BIE. Reducing only to the essential requirements would tremendously benefit the BIE in terms of easing the burden of data collection and reporting.

Taken together, the BIE seeks reasonable amendments to the reporting requirements from the U.S. ED. Progress made in reporting over time, particularly in the automation of data collection and reuse of data collected elsewhere have reduced burdens and duplication of reporting at the school level. For greater progress to be made in this area, the BIE is seeking to only have the most relevant data reported for ESEA and IDEA. Reducing the reporting burden necessarily leads to reducing the reporting requirements (See Attachment 15).

OVERALL EVALUATION OF REQUEST

Did the SEA provide a comprehensive and coherent approach for implementing the waivers and principles in its request for the flexibility? Overall, is implementation of the SEA's approach likely to increase the quality of instruction for students and improve student achievement? If not, what aspects are not addressed or need to be improved upon?

The BIE has developed an approach for implementation of the waivers and corresponding principles in this request that is comprehensive and coherent. Each of the principles and corresponding components has been addressed as follows:

1. College- and Career-Ready Expectations for All Students

- Adoption of college- and career-ready standards in at least reading/language arts and mathematics, transitioning to and implementing such standards system wide for all students and schools.
- Development and administration annually of aligned, system-wide high-quality assessments, and corresponding academic achievement standards, that measure student growth in grades 3-10.
- Adoption of English language proficiency (ELP) standards that correspond to BIE's college- and career-ready standards and that reflects the academic language skills necessary to access and meet the new college- and career-ready standards.
- Commitment to develop and administer aligned ELP assessments.
- Explanation of challenges of ensuring that BIE's college- and career-ready standards are truly aligned with postsecondary expectations when BIE is located in 23 states and not part of a state system of Institutions of Higher Education.
- Information to parents and students about the college-readiness rates of local schools.
- Report annually to BIE's tribal constituencies and the public on college-going and college credit-accumulation rates for all students and student subgroups in each LEA (ADDs/ELOs) and each high school in 23 states.

2. State-Developed Differentiated Recognition, Accountability, and Support

- Development of a next-generation accountability system that recognize student growth and school progress, align accountability determinations with support and capacity-building efforts, and provides for systemic, context-specific interventions that Focus on the lowest-performing schools and schools with the largest achievement gaps.
- Development and implementation of a system of differentiated recognition, accountability, and support for all LEAs (ADDs/ELOs) and for all schools (Title I).
- Develop a unified accountability system based upon common standards, assessments, and accountability criteria.
- Set new ambitious but achievable AMOs in at least reading/language arts and mathematics for the BIE and all LEAs (ADDs/ELOS) schools, and subgroups that provide meaningful goals and are used to guide support and improvement efforts.

- Provide incentives and recognition for success on an annual basis by publicly recognizing and rewarding schools (Title I) making the most progress or having the highest performance as Reward schools.
- Effect dramatic, systemic change in the lowest-performing schools and providing meaningful interventions aligned with the turnaround principles in each of these schools.
- Work to close achievement gaps by implementing interventions based on reviews of the specific academic needs of the school and its students.
- Development of exit criteria to determine when a school that is making significant progress in improving student achievement and narrowing achievement for Focus and Priority schools.
- Build SEA, LEA (ADDs/ELOs), and school capacity to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps.
- Provide timely and comprehensive monitoring of, and technical assistance for, implementation of interventions in Priority and Focus schools
- Hold LEAs (ADDs/ELOs) accountable for improving school and student performance, particularly for turning around their Priority schools.

3. Supporting Effective Instruction and Leadership

- Commitment to develop adopt, pilot, and implement teacher and principal evaluation and support systems, with the involvement of teachers and principals.
- Define criteria for teacher and principal evaluation and support systems consistent with Principle 3.
- Develop and adopt guidelines for these systems.
- Implement teacher and principal evaluation and support systems that are consistent with the SEA's guidelines.
- Provide training to all teachers, principals, and evaluators on the evaluation system, including delineation of responsibilities in the evaluation system, in order to ensure high-quality implementation.
- Include student growth data on current students and the students taught in the previous year to include, at a minimum, teachers of reading/language arts and mathematics in grades 3-10.

4. Reducing Duplication and Unnecessary Burden

- Assurance that BIE will evaluate and revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs (ADDs/ELOs) and schools. Further efficiencies may be gained if the reporting burden borne by the BIE were also reduced. Particularly onerous and duplicative reporting requirements can be removed to achieve significant reductions in reporting burdens by the BIE and its schools.

Implementation of the BIE's approach will increase the quality of instruction for students and improve student achievement. Some challenges remain to be resolved, but overall the reform initiative articulated in the Flexibility Request represents a dramatic improvement in the system of education provided to schools.