

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

**Standards, Assessments, and Accountability System
Negotiated Rulemaking Committee**

Charter

1. **COMMITTEE’S OFFICIAL DESIGNATION.** Bureau of Indian Education (BIE) Standards, Assessments, and Accountability System Negotiated Rulemaking Committee (Committee).
2. **AUTHORITY.** The Committee is in the public interest in connection with the responsibilities of the Department of the Interior (Department) and regulated by the Federal Advisory Committee Act (FACA)(5 U.S.C. Appendix 2). Authority for the Committee is under:
 - Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. §6301 *et seq.*)
 - Negotiated Rulemaking Act of 1996 (5 U.S.C. §561 *et seq.*)
3. **OBJECTIVES AND SCOPE OF COMMITTEE ACTIVITIES.** The Committee will advise the Secretary of the Interior (Secretary) through the Bureau of Indian Education (BIE) and the Assistant Secretary–Indian Affairs on the development of regulations to fulfill the Secretary's responsibility to define standards, assessments, and accountability system consistent with ESEA section 1111 (20 U.S.C. §6311), as amended, for schools funded by BIE on a national, regional, or Tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools and the process for requesting a waiver for these definitions. The recommendations will focus on the regulations found at 25 C.F.R. Part 30, Adequate Yearly Progress.
4. **DESCRIPTION OF DUTIES.** The duties of the Committee are to negotiate in good faith with the goal of drafting regulatory language described in the “Objectives” section above, such that the Committee can approve by consensus the submission of said recommendations to the Secretary of the Interior. The duties of this Committee are solely advisory.

The Committee will be responsive to specific assignments made by the DFO. The Committee will consider the matters proposed by the DFO and will attempt to reach consensus. The Committee will define consensus for its deliberations. If the Committee reaches consensus on a proposal, it will submit a report containing the proposal to the DFO. If the Committee does not reach a consensus on a proposal, it will submit a report on any areas on which a consensus is reached. The Committee may include in a report any other information, recommendations, or materials that the Committee considers appropriate.

5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS.** The Committee will report to the Secretary through the Director of the BIE and the Assistant Secretary — Indian Affairs.
6. **SUPPORT.** The BIE will provide support for the Committee.
7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS.** The annual operating costs associated with supporting the Committee's functions are estimated to be \$495,000 including all direct and indirect expenses, and 3.3 Federal staff years support.
8. **DESIGNATED FEDERAL OFFICER.** The DFO is a full-time Federal employee within BIE, who is appointed in accordance with Agency procedures. The DFO will approve or call all committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.
9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS.** The Committee will meet approximately 2-4 times annually, and at such other times as designated by the DFO.
10. **DURATION.** The Committee is expected to continue until the promulgation of the final rule under consideration and will not continue past that time.
11. **TERMINATION.** The Committee will terminate 2 years from the date the charter is filed unless, prior to that date it is renewed in accordance with the provisions of section 14 of the FACA. The Committee will not meet or take any action without a current valid charter.
12. **MEMBERSHIP and DESIGNATION.** The Secretary will appoint members and their alternates to the Committee to serve a 2-year term. Committee membership will consist of approximately 13, but not more than 25, members.

Members will be representatives of the Federal Government, Tribes whose students attend BIE-funded schools, teachers, administrators, and Indian communities served by these schools, and other interests that will be significantly affected by the regulations, such as Indian education organizations.

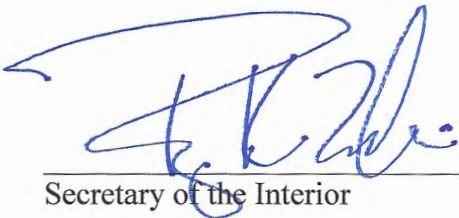
To ensure fair and balanced representation of viewpoints, the Secretary shall appoint members from groups representing the interests affected by the regulations, including members with technical expertise related to standards, assessments, and accountability system for elementary and secondary instructional programs.

Non-Federal members of the Committee serve without compensation. However, while away from their homes or regular places of business, Committee and subcommittee members engaged in Committee or subcommittee business approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5 of the United States Code.

Members serve at the discretion of the Secretary. A vacancy on the Committee is filled in the same manner in which the original appointment was made.

Alternate members must be approved and appointed by the Secretary before attending meetings as representatives. Alternate members shall have experience and/or expertise similar to that of the primary member.

13. **ETHICS RESPONSIBILITY.** No Committee or subcommittee member will participate in any Committee or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **SUBCOMMITTEES.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Committee for consideration. Subcommittees must not provide advice or work products directly to the Department. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **RECORDKEEPING.** The records of the Committee, formally and informally established subcommittees of the Committee, shall be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. §552).



Secretary of the Interior

JUL 26 2018

Date Signed

Date Filed