

# SECTION 8204 AND COMMITTEE TASKS

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

Negotiated Rulemaking Committee -  
Standards, Assessments & Accountability System



# Application of section 1111

- Section 1111 applies to states “desiring to receive a grant” and directs such states to file a “state plan” with the Secretary of Education and describes what must be included in the plan.
- However, DOI/BIE is not defined as a “state” or “state education agency” in ESEA. *See* 20 U.S.C. §7801(48)-(49).



# Application of section 8204

- Instead, DOI/BIE is required to have *definitions* for SAA *consistent* with section 1111 for BIE-funded schools through 20 U.S.C. 7824(c)(1).
- Likewise, per 20 U.S.C. 7824(c)(2) alternative proposals for SAA from tribal governing bodies or school boards must *meet the requirements* of section 1111.
- Thus, the definitions of and distinction between “state,” “SEA,” and “LEA” in section 1111 are not particularly relevant here.



## Committee Focus

Committee should focus on the requirements for definitions of standards, assessments, and accountability system (subsections (b)-(d)) “taking into account” the BIE-funded school system’s unique circumstances and needs.

Other provisions of section 1111 are not required strictly speaking.

Committee might consider where provisions of section 1111 do not make sense for the BIE-funded school system, and where there are options.



# Examples

- Section 1111 requires states to have state plans and describes what states must include in their state plans.

However, BIE is not a state and 7824(c)(1) does not mention a state plan, only definitions for SAA.

- Section 1111 provides that states may allow LEAs to administer locally selected assessments from a list of nationally-recognized assessments approved by the state.

However, tribal governing bodies and school boards already have the authority to waive the Secretary's definition of assessments.



# Examples

- Section 1111 describes how states may comply with section 1111 if no state entity or official has the authority to adopt challenging academic standards and academic assessments aligned to those standards.

However, Congress provided DOI/BIE with the authority to define SAA through negotiated rulemaking.

- Section 1111 describes a need to demonstrate in a state plan that an SEA has implemented high-quality assessments in consultation with LEAs.

However, negotiated rulemaking along with DOI's tribal consultation policy necessarily involves consultation with stakeholders and the public.



# Note – Rules for definitions

- The recommendation on a rule concerns the Secretary’s definitions and waiver procedures. This needs to be able to accommodate the variety of circumstances and needs at BIE-funded schools and the students served by them.
- Specific alternative options that a tribal governing body or school board might chose that may “meet[] the requirements” of section 1111 might best be explored through a separate request for technical assistance.

