WAIVERS SUBCOMMITTEE

Bureau of Indian Education
Negotiated Rulemaking Committee - Standards, Assessments & Accountability System
Tasks from Billings Meeting

Task 1: Review the ‘side-by-side’ of the draft regulations related to Waivers and identify concerns, questions, pros/cons, identify where technical experts/assistance is needed.

Product: Share findings, and proposals for draft regulations regarding waivers with the Committee.

Task 2: Review Section 1111 [8204(c)] related to Waivers and Technical Assistance and identify concerns, questions, pros/cons, where technical experts/assistance needed.

Product: Share findings with the Committee.
<table>
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<th>Draft Language</th>
<th>Question</th>
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| §30.107. May a tribal governing body or school board waive the Secretary’s definition of standards, assessments, and accountability system? | • Who gives the authority to request a waiver? Is it individual to each tribe?  
• Meaning of ‘tribal governing body or school board’ |
§30.108. How does a tribal governing body or school board waive the Secretary’s definitions?

Draft Language

Comments

• Include in the regulations a sequence e.g., DOI, then ED, or simultaneous and/or specify a timeframe for: federal receipt, time of review and response.

• Extend the 60-day timeframe so that the tribe has sufficient time to develop its proposal.

• Add language on what the Tribe can implement during the review process.

• Insert the how the waiver is submitted. Via tribal resolution, formal letter, how?
Draft Language

§30.109. What should a tribal governing body or school board include in a waiver and alternative proposal?

Comment

• Who is responsible for the Waiver Template, BIE or ED?
• Add the template and waiver checklist to the regulations.
• Demonstrate engagement with stakeholders such as governing boards, school boards, advisory boards etc.
### Draft Language

§30.111. Will the Secretary provide technical assistance to tribal governing bodies or school boards seeking a waiver?

### Comment

- Technical Assistance is a trust responsibility.
- What is Technical Assistance is it for a seeking a Waiver and/or for preparing alternative proposed definition?
- Should be provided by BIE, directly or through contract.
- An annual allocation for such technical assistance should be provided and published in the BIE budget.
§30.112. What is the process for requesting technical assistance?

Comment

- Letter for TA
- Add to paragraph b ‘and a point of contact and a timeline to work out arrangements and what is needed’
Subcommittee Ideas/Comments

Draft Language

§30.114. How does the Secretary review and approve an alternative definition?

Comment

• Include in the regulations a sequence e.g., DOI, then ED, or simultaneous and/or specify a timeframe for: federal receipt, time of review and response.

• Include a provision for a tribe to move forward with its process if no decision from BIE or ED is provided within the stated timeframe.