



OPPORTUNITIES FOR IMPLEMENTING EFFECTIVE ASSESSMENTS

Bureau of Indian Education Negotiated Rulemaking on
Standards, Assessments, and Accountability

Issue Brief

The National Indian Education Association (NIEA) is the nation's largest and most inclusive organization advocating for comprehensive culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians.

BACKGROUND

The Every Student Succeeds Act (ESSA) requires states to develop high-quality academic assessments aligned to state-defined standards in mathematics, English language arts (ELA), and science. Assessments that appropriately measure student progress, including in Native languages and culturally responsive curricula, provide critical data to track student achievement, empowering tribes and schools to make decisions that give Native students their best chance at success.

Through the negotiated rulemaking process, tribal leaders, and communities have an opportunity to shape assessments so that they accurately measure student progress in culture-based classrooms and language immersion programs at Bureau-funded schools. A well-designed assessment system based on high standards is essential in assuring tribes and Native communities have access to the tools necessary to promote student achievement in the classroom and beyond.

STATEWIDE SYSTEM REQUIREMENTS

ESSA requires states, including the BIE, to develop annual assessments for grades 3-8 and high school in mathematics, ELA and science. New provisions under ESSA provide opportunities for states to refine, improve, and tailor student academic assessments, including:

- **Interim Assessments:** State assessments may be administered through a single summative assessment or multiple statewide interim assessments during the course of the year that result in a “single summative score.” A summative assessment is a standardized test typically given on an annual basis to compare the performance of a student or group of students against a set of uniform standards. Interim assessments are often given at a midpoint of a curricular unit or at the end of a semester to compare a student’s understanding of curriculum and is often used to inform instruction.
- **Multiple Measures:** State assessments may “involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks.”
- **Computer-Adaptive Tests:** States may design “computer-adaptive” assessments. Some specific requirements apply but tests such as the Smarter Balanced Assessment Consortia (SBAC) or those similarly designed can be developed as adaptive tests for one or more subjects.

PEER REVIEW REQUIREMENTS

Under ESSA, the Bureau of Indian Education (BIE) is required to administer the same high-quality assessments in mathematics, reading or language arts, and science. States must submit assessments for peer review to the Department of Education (Department) and document that they are meeting these seven requirements:

1. Establish a Statewide System of Standards and Assessments
2. Describe Assessment System Operations
3. Describe Technical Quality – Validity
4. Describe Technical Quality – Other (if applicable)
5. Provide for the Inclusion of All Students
6. Describe the Academic Achievement Standards and Reporting
7. Describe the Locally Selected, Nationally Recognized High School Academic Assessments (if applicable)

OPPORTUNITIES FOR EFFECTIVE ASSESSMENT SYSTEMS

Through negotiated rulemaking and the resulting state plan, the BIE must ensure a comprehensive, well-designed, and culturally relevant assessment system is made available to BIE schools and students. Since ESSA's passage in 2015, states have implemented assessments designed with more flexibility to customize questions and provide accommodations for language and disability. Many of these assessments have been based on tests developed by testing consortia to align with Common Core State Standards in mathematics and ELA.

Most states utilize all or part of the SBAC or the Partnership for Assessment for Readiness and Careers (PARCC) for ELA and mathematics assessments. In addition, Dynamic Learning Maps (DLM) and Multi-State Alternate Assessment (MSAA) have developed the most widely utilized alternate assessments for students with the most significant cognitive disabilities. Though there are no consortia to support assessments for English language proficiency, states have purchased assessments to assess English language proficiency.

	SBAC	PARCC
High costs, political issues, and long tests have deterred use of assessment.	✓	✓
Delivered online to facilitate prompt analysis of assessment results and data.	✓	
Offer flexibility in using all or part of a pre-designed assessment for interim and summative assessments.	✓	✓
Support a comprehensive assessment system that could be adapted for specific tribal needs through the waiver process.	✓	✓
Earned an Excellent or Good from the Council of Chief State School Officers for ELA and mathematics.	✓	✓
Incorporate universal design to ensure accessibility, provide built-in support, and accommodate a range of learning needs.	✓	✓
Documented to fully comply with federal rules regarding mastery of state standards.		✓
Widely used by postsecondary institutions as a measure of student readiness for coursework.	✓	
May be customized as a computer-adaptive assessment.	✓	

Due to the current 23 state accountability system, Bureau-funded schools utilize a myriad of tests including interim, summative, alternate for students with disabilities, and for English proficiency (please see Appendix A for more information). Negotiators have a critical opportunity to implement a flexible, culturally-responsive assessment as part of a comprehensive system responsive to the needs of Native students.

CONCLUSION

Assessments that appropriately measure student progress in culturally responsive and language immersion classrooms have the potential to ensure that Native students thrive. Through negotiated rulemaking and in consultation with tribes and tribal leaders, the BIE has the opportunity to shape assessments for Bureau-funded schools that will accurately reflect student progress in culture-based standards valued and set by tribal communities.

For additional information or questions, please contact Adrienne Elliott, the National Indian Education Association Legislative Analyst, at aelliott@niea.org or 202-847-0040.

APPENDIX A: ASSESSMENTS IN STATES WITH BUREAU-FUNDED SCHOOLS

State	Math/ELA Grades 3-8	Math/ELA Grades 9-12	Science	Alternative Assessments
Arizona	General: AzMERIT	General: End of Course Test	General: AZ Instrument to Measure Standards Science <i>(under review for updates)</i>	SWD ELA/Math: MSAA/NCSC SWD Science: AZ Instrument to Measure Standards Alt. EL General: AZ English Language Learner Assessment
California	General: SBAC Interim: SBAC	General: SBAC Interim: SBAC	General: CA Science Test	SWD General: CA Alternative Assessment (Alt.) EL General: CA English Language Development Test
Florida	General: FL Standards Assessment Interim: Florida Interim Assessment Item Bank and Test Platform	General: FL Standards Assessment Interim: Florida Interim Assessment Item Bank and Test Platform	Grades 5-8: Statewide Science Assessment Interim: Florida Interim Assessment Item Bank and Test Platform	SWD General: FL Standards Alt. EL General: World-Class Instructional Design and Assessment (WIDA)
Idaho	General: SBAC Interim: SBAC	General: SBAC Interim: SBAC	General: SBAC	SWD General: ID Alt EL: WIDA
Iowa	General: IA Assessments (U. of IA) [†]	General: IA Assessments (U. of IA) [†]	General: IA Assessments (U. of IA) [†]	SWD General: DLM EL General: English Language Proficiency Assessment for the 21 st Century [†]
Kansas	General: KS Assessment Program Interim: KS Assessment Program	General: KS Assessment Program Interim: KS Assessment Program	General: KS Assessment Program	SWD General: DLM EL General: KS English Language Proficiency Assessment
Louisiana	General: LA Educational Assessment Program (LEAP) 2025 End of Course Test Interim: LEAP 360	General: LEAP 2025 End of Course Test Interim: LEAP 360 (interim)	General: LEAP 2025 End of Course Test	SWD ELA/Math: LEAP Alt. Connect SWD Science: LEAP Alt. SWD Interim: LEAP 360

	<i>LEAP is a mix of PARCC and state-items.</i>			EL General: English Language Proficiency Test
Maine	General: eMPowerME	General: SAT	General: Maine Education Assessment for Science	SWD Math/ELA: MSAA/NCSC Math & ELA/Literacy, SWD Science: PAAP – Alt. Science EL General: WIDA
Michigan	General: MI Student Test of Educational Progress (M-STEP) Interim: District Selected Benchmark Assessment <i>M-STEP is a mix of SBAC and state-items.</i>	General: SAT	General: M-STEP	SWD General: MI-Access EL General: WIDA
Minnesota	General: MN Comprehensive Assessments	General: MN Comprehensive Assessments	General: MN Comprehensive Assessments	SWD General: MN Test of Academic Skills EL General: ACCESS 2.0
Mississippi	General: MS Academic Assessment Program	General: ACT and four subject-area tests	General: MS Academic Assessment Program, ACT	SWD General: MSAA/NCSC EL General: CTB LAS Links Assessment System
Montana	General: SBAC Interim: SBAC	General: ACT	General: Science Criterion-Referenced Test	SWD ELA/Math: MSAA/NCSC SWD Science: Criterion-Referenced Test Science Alt. EL: WIDA
Nevada	General: SBAC Interim: SBAC	General: End of Course Test	General: Science Accountability Assessment	SWD: NV Alt. Assessment EL General: WIDA
New Mexico	General: PARCC	General: PARCC	General: Standards-Based Assessment	SWD General: NM Alt. Perf. Assessment EL General: WIDA
North Carolina	General: NC End-of-Grade Test [†]	General: End of Course Test [†]	General: NC End of Course Tests [†]	SWD General: NCEXTEND1 EL General: WIDA [†]

North Dakota	General: ND State Assessment	General: ND State Assessment	General: ND State Science Assessment	SWD General: ND Alt. Assessment
	Interim: NWEA-MAP	Interim: NWEA-MAP		EL General: WIDA
Oklahoma	General: OK School Testing Program [†]	General: OK School Testing Program [†]	General: OK School Testing Program [†]	SWD General: OK Alt. Assessment Program EL General: WIDA [†]
Oregon	General: SBAC	General: SBAC	General: SBAC	SWD General: OR Extended Assessments
	Interim: Local Performance Assessment	Interim: Local Performance Assessment	Interim: Local Performance Assessment	SWD Interim: Local Performance Assessment EL General: OR English Language Proficiency Assessment
South Dakota	General: SBAC	General: SBAC	General: South Dakota Science Tests	SWD ELA/Math: MSA/NCS
	Interim: SBAC	Interim: SBAC		SWD Science: SD Science Alt. EL General: WIDA
Utah	General: Readiness Improvement Success Empowerment	General: UT Aspire Plus	Grades 4-8: Readiness Improvement Success Empowerment	SWD General: DLM
	Interim: Student Assessment of Growth and Excellence	Interim: Student Assessment of Growth and Excellence	Grades 9-12: UT Aspire Plus	EL General: WIDA
Washington	General: SBAC	General: SBAC	General: Washington Comprehensive Assessment of Science	SWD General: WA Access to Instruction & Measurement
	Interim: SBAC	Interim: SBAC		SWD Interim: Access Point Frameworks EL: English Language Proficiency Assessment for the 21 st Century
Wisconsin	General: WI Forward Exam	General: ACT	Grades 4-8: WI Forward Exam Grades 9-12: ACT	SWD General: DLM EL: WIDA

Wyoming	General: WY Test of Proficiency and Progress (WY-TOPP) Interim: WY Test of Proficiency and Progress (WY-TOPP)	General: WY Test of Proficiency and Progress (WY-TOPP) Interim: WY Test of Proficiency and Progress (WY-TOPP)	General: WY Test of Proficiency and Progress (WY-TOPP) Interim: WY Test of Proficiency and Progress (WY-TOPP)	SWD: WY Alt. (ELA, Math, Science) EL: WIDA
Miccosukee Tribe of Indians of Florida	General: SBAC	General: SBAC	General: Next Generation Science Assessment	SWD General: DLM EL General: WIDA
Navajo Nation	General: PARCC	General: PARCC	General: AZ, NM & UT State assessments	SWD General: DLM EL General: AZ, NM & UT State assessments

[†] The State Department of Education website provides general information regarding formative assessments.

SWD: Students with Disabilities

EL: English Language