

# Challenges of Current Regulations

---

Negotiated Rulemaking Committee -  
Standards, Assessments & Accountability System

September 25-27, 2018

Billings, MT



# Challenges of a multipart accountability system

- The 23-part accountability system, including standards and assessments, adopted by the USDOJ/BIE under NCLB and codified in 25 CFR 30 has been extremely problematic for the BIE and BIE-funded schools.
- Based on its unconventional accountability system, the BIE has encountered significant challenges not encountered by States.
- The various obstacles have impeded the development of the BIE as a cohesive school system for over a decade.
- Due to the multipart accountability system, the BIE is limited in providing information, resources, and technical assistance on educational matters necessary to improve schools.



# For consideration –

- BIE is the only school system in the United States with a multipart accountability system.
- The other federal school system – DODEA – utilizes a unified accountability system, not a multipart accountability system.
- The intent of Congress in ESEA, as amended, is for states, including BIE, to utilize a unified accountability system.
- Congressional language states:
  - Achievement standards and assessments “shall apply to all public schools and public school students in the State.”
- BIE has been on ***corrective action*** with USDEd for years due to the challenges created by a multipart accountability system.



# Summary of key challenges

- Collection of test results
- Accountability determinations
- EDFacts reporting
- State Report Cards
- Lowest performing schools dilemma
- Lack of assessment data to inform instruction and school improvement
- Lack of comparability of test results



# Collection of test results

- For states, the collection of test results is a straightforward matter. Test results include English/language arts, math, science, alternate assessments, and English language proficiency.
- States simply contact their vendor or a state office and request immediate access to uniform electronic data across all schools.
- For the BIE, test result collection is a protracted, complicated process, often taking years. ***Some data is never collected.***
- BIE must contact multiple states, state vendors, and individual schools for test data.
- The data comes in varied formats and means, including facsimile, PDF, and dissimilar electronic formats.



# Accountability determinations

- Typically states deliver accountability determinations (i.e., AYP under NCLB) before the start of the following schools year.
- BIE has never been able to make timely accountability determinations, throughout the history of NCLB.
- BIE's determinations are significantly delayed by many months, compared to a matter of weeks for states.
- Without a timely accountability status, schools cannot adequately plan education services for students in the coming school year.
- In other words, students are affected by the lack of information for a school to adequately plan.



# EDFacts reporting

- Reporting certain data to EDFacts is a statutory requirement. EDFacts is comprised of about 290 data files (i.e., varies by year). The type of data is varied, but key data is assessment related.
- As mentioned, for the BIE collecting 23 sets of assessment data is labor-intensive and time-consuming, sometimes taking two or more years to collect. ***Some data is never collected.***
- In addition to the requirement to report the assessment data directly (i.e., proficiency), other EDFacts elements depend upon the assessment data (i.e., participation rate). Without essential data, the BIE is unable to submit timely and complete reports to EDFacts.
- Due to the difficulty in collecting assessment and other data, the BIE is behind several years in reporting data to EDFacts. BIE has been on ***corrective action*** with USDEd for many years.



# State Report Cards

- Annual publication of State Report Cards – system-wide and LEA/school – is a statutory requirement.
- Data included on report cards includes graduation rates and student achievement data for each subject area and grade-level tested by the all student group and subgroups.
- Report cards provide important information to stakeholders, including parents, tribal leaders, and community members about the education provided by the school.
- The BIE is behind several years in published the State Report Cards. Again, the BIE is on ***corrective action*** with USDEd for the failure to publish timely report cards.



# Lowest performing schools dilemma

- States are required to identify their lowest performing schools at least every three years using a statistically valid method.
- The purpose of identifying lowest performing schools is to prioritize support to the schools most in need of assistance.
- It is impossible for BIE to utilize a statistically valid method to rank schools in a multipart system, due to the non-comparability of state assessment scores across states.
- Although the BIE has devised a methodology to rank schools, it does not meet the standard of being statistically valid.
- BIE is on ***corrective action*** with USDEd regarding this issue.



# Lack of assessment data to inform instruction and school improvement

- Teachers and school administrators are at a distinct disadvantage without ready access to student test data. States provide test proficiency data to teachers and school administrators to inform instruction and for school improvement.
- States' student information systems have the capability to house student assessment scores. For BIE, with varied and incomparable data and no centralized data capability, the task of organizing test data for multiple uses and audiences is complex and currently unfeasible.
- Teachers and administrators lack necessary assessment information that can be used in planning for continuous school improvement to benefit students.



# Lack of comparability of test results

- For states, test results are comparable across all schools and all students, because they use the same tests.
- This data is invaluable for policymakers and school system to determine how the school system is functioning and to make course corrections to improve the system.
- Many support and interventions are the responsibility of the state school system, such as supports to the lowest performing schools.
- For the BIE, student test results on a range of tests is incomparable, due to its multipart system.



# Summary

- The multipart accountability system created by the rulemaking committee created myriad problems for BIE as a school system and its students, not experienced by any state.
- That system has hindered the development of the BIE school system and the delivery of continuous school improvement services to schools.
- BIE is in continuous ***corrective action*** with USDEd due to its unorthodox accountability system.
- The current negotiated rulemaking process presents an opportunity to create regulations for an accountability system, including standards and assessments, on the same level as state systems. That was the intent of Congress.

