

**Standards, Assessments, and Accountability System Negotiated Rulemaking Committee
Consensus Agreements to Include in the Draft Regulations
As of December 6, 2018**

The following consensus agreements were made by the Committee at its December 2018 meeting. Some of the language are changes to be made throughout the draft regulations. The exact placement of other consensus text is to be determined by BIE.

1. Throughout the draft regulations replace 'state' with BIE where relevant.
2. Throughout the draft regulations replace 'state plan' with 'Standards, Assessments and Accountability Plan'
3. Include as a preamble to the regulations: "Recognizing the special rights ***[remove 'special' replace with 'unique' unless a direct quote from CFR]*** of Indian Tribes and Alaska Native entities and the unique government-to-government relationship of Indian Tribes and Alaska Native villages with the Federal Government as affirmed by the United States Constitution, U.S. Supreme Court decisions, treaties, Federal statutes, and Executive Orders, and as set out in the Congressional declaration in sections 2 and 3 of the Indian Self-Determination and Education Assistance Act ([Pub.L. 93-638](#); 88 Stat. 2203; [25 U.S.C. 450](#) and [450a](#)), it is the responsibility and goal of the Federal government to provide comprehensive education programs and services for Indians and Alaska Natives. As acknowledged in section 5 of the Indian Child Welfare Act of 1978 ([Pub.L. 95-608](#); 92 Stat. 3069; [25 U.S.C. 1901](#)), in the Federal Government's protection and preservation of Indian Tribes and Alaska Native villages and their resources, there is no resource more vital to such Tribes and villages than their young people and the Federal Government has a direct interest, as trustee, in protecting Indian and Alaska Native children, including their education. The mission of the Bureau of Indian Affairs, Office of Indian Education Programs, is to provide quality education opportunities from early childhood through life in accordance with the Tribes' needs for cultural and economic well-being in keeping with the wide diversity of Indian Tribes and Alaska Native villages as distinct cultural and governmental entities. The Bureau shall manifest consideration of the whole person, taking into account the spiritual, mental, physical and cultural aspects of the person within family and Tribal or Alaska Native village contexts." **[consensus 120618 to include in regulation preamble unless there is a legal problem doing so. Note: Revise text to address run-on sentences]**
4. **[consensus 120618 to add to 30.101]:** "Tribal governing body or school board" means, with respect to waiver and submission of alternative proposals of the Secretary's definitions of standards, assessments, and accountability system at P.L. 100-297 grant or P.L. 93-638 contract schools, the entity authorized under applicable Tribal or Federal law to waive the Secretary's definitions and negotiate an alternative proposal with the Secretary.
5. "The Secretary will incorporate science in the accountability system." **[consensus 120618 to include in the regulation]**
6. "Phase in tribal civics assessment and accountability system starting as a school quality indicator and revisit as implemented". **[consensus 120618 exact placement of this text in the regulations is to be determined.]** "

7. Assessments and assessment schedule will be developed for Tribal Civics at the conclusion of the processes described in Section 30.103.” **[consensus 120618 exact placement of this text in the regulations is to be determined.]**
8. Retain in the assessments regulations placeholders for sections of text that are currently proposed for deletion, sections such as 2E State Authority, 2I Deferral, and 3 Exception for Recently Arrived English Learners, just in case those items become relevant to BIE in the future. **[120518]**