



**United States Department of the Interior
BUREAU OF INDIAN EDUCATION**

Albuquerque Service Center
1011 Indian School Road, NW, Ste. 332
Albuquerque, New Mexico 87104

July 6, 2011

Dave Archambault
Sitting Bull Day School
P.O. Box 26
Little Eagle, SD 57639-0026

Dear Mr. Archambault:

I am writing this letter with regret to inform you that the Bureau of Indian Education (BIE) is denying Sitting Bull Day School's reapplication for a second year of School Improvement Grant (SIG) 1003(g) funding.

As you know, the SIG 1003(g) program requires the school to establish annual goals for student achievement on State's assessments in both reading/language arts and mathematics and to measure progress on the leading indicators, and, in addition, to report to the BIE the school-level data. To accomplish this requirement of the SIG 1003(g) grant, it is necessary to assess students' academic achievement at Sitting Bull Day School under the South Dakota state standards and assessment. This requirement is stated in 25 CFR 30, Section 30.104, as follows:

Effective in the 2005-2006 school year, the academic content and student achievement standards, assessments, and the definition of AYP are those of the State where the school is located....

This definition meets the requirement of 20 U.S.C. 6311(b). All students in the school must be assessed using approved State's assessments in order to determine if the school has achieved a turnaround through implementation of the Transformation Model under the SIG 1003g grant.

Sitting Bull Day School did not assess all students in school year 2010-2011 under the state of South Dakota's standards and assessments or meet the 95% student participation requirement of section 25 CFR 30, Section 30.107. As a result of this failure to assess all students, the school is not in compliance with the abovementioned CFR sections or Public Law 107-110, No Child Left Behind (NCLB), the current reauthorization of the Elementary and Secondary Education Act (ESEA).

I understand that the educational philosophy of the tribal council and the school board supports the prohibition of the assessment of student academic progress. However, the BIE provides assurances and commitment to implement programs funded under the provision of NCLB. The statutory and regulatory requirements speak very clearly to the BIE's responsibility for the appropriate use and management of federal funds transferred to the Secretary of the Interior to educate Indian students.

I have not had the opportunity to assess the impact of the failure to assess students' academic achievement upon other program funds transferred into the Sitting Bull Day school's Public Law 100-297 grant. In addition to the SIG 1003(g) funds, the decision to not assess students' academic progress may also impact funding under other Department of Education Title programs, the Individuals with Disabilities Education Act (IDEA), and the Indian Student Equalization Program (ISEP). I will be in communication with you in the near future regarding those programs and possible consequences.

Again, it is with regret that the SIG 1003(g) reapplication must be denied. If you have any questions regarding this decision, please contact me.

Sincerely,



Dr. Jeffrey Hamley
Associate Deputy Director
Division of Performance and Accountability
Bureau of Indian Education