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Executive Summary

The Department of the Interior, Bureau of Indian Education (DOI, BIE) conducted an initial assessment of the educational programming at the Havasupai Elementary School (HES) to determine programmatic compliance with thirteen regulatory requirements in direct response to requirements of the Stephen C. Remand Settlement (Stephen C., et al. v. Bureau of Indian Education, et al., No. 3:17-cv-08004-SPL (D. Ariz.)).

Under Section B, of the Settlement Agreement, the DOI, BIE was responsible for the creation of a Compliance Specialist Position. The responsibilities of the Compliance Specialist include overseeing implementation of new or existing measures at HES that are related to compliance with the 13 regulations at issue (Section B-1). Additionally, the Compliance Specialist is responsible for issuing an initial assessment of BIE's compliance with the 13 regulations within three months of the date on which the Compliance Officer assumed the position (Section B-2).

The DOI, BIE temporarily assigned an employee to the position of Compliance Specialist on November 12, 2023, while the permanent position was being advertised and posted on USAjobs.gov. The permanent Compliance Specialist was hired and entered on duty on January 29, 2024.

This document outlines the initial assessment of BIE's compliance with the 13 regulations and subparts. The thirteen regulations cited in the Settlement are 25 C.F.R. §§ 36.11, 36.20, 36.21, 36.22, 36.23, 36.30, 36.31, 36.40, 36.41, 36.42, 36.43, 36.50, 36.51. All thirteen regulations are found under the 25 Code of Federal Regulations (C.F.R.) Part 36 - Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations. The initial assessment provides baseline information the Compliance Specialist and BIE will use to draft a workplan that will direct HES' compliance with the 13 regulations at issue. In total, 104 regulatory requirements within the 13 regulations were assessed in the initial assessment. The Compliance Officer will issue the work plan within 30-days of the initial assessment.

Source data collected to inform the Initial Assessment included collection of documentary evidence from HES, observations during an on-site visit to the HES campus, file reviews, and direct interviews with HES staff. For each regulation, it is broken out into core requirements of the regulation. The core requirements are then assessed as either: 1) Requirement Met, 2) Non-Compliance, or 3) Not Applicable. For every regulation and requirement, a brief finding summary is provided.

25 CFR § 36.11 Standard II – Administrative Requirements

25 CFR § 36.11, Standard II for Administrative Requirements falls under Subpart B – Educational Management. There are seven (7) core requirements under § 36.11.

The initial assessment determined, 5/7 requirements are non-compliant, and 2/7 requirements are not applicable. For the requirements that are applicable, HES is at a zero percent compliance rate for the § 36.11 Requirement. One of the requirements is assessed as not applicable for the initial assessment but will be applicable once HES established self-contained classrooms.

The seven core requirements of § 36.11 are:

1. §36.11(a)(1) – Student to Staffing Ratio in Self-Contained Classrooms
2. §36.11(a)(2) – Student to Staffing Ratio in Multi-Grade Classrooms
3. §36.11(a)(3) – Daily Teaching Load in Departmentalized Classrooms
4. §36.11(a)(4) – Waiver for Exceeding the Student to Staff Ratio
5. §36.11(a)(5) – Substitute Teacher or Non-Certified Teacher Requirements
6. §36.11(b) – School Enrollment and Attendance Policy
7. §36.11(c) – Immunization

Legal Citation: 25 CFR §36.11(a)(1): *Staffing*. Each school shall, at a minimum, meet the following requirements:

(a)(1) The overall school ratio of regular program students to regular program teachers in self-contained classrooms shall not exceed the following except under the conditions set forth in paragraphs (a)(4)(i) and (ii) of this section. Average daily membership (ADM) is used in meeting the following ratios.

Level	Ratio
Kindergarten	20:1
1st grade—3rd grade	22:1
4th grade—high school	25:1

Requirement Met
 Non-Compliance
 Not Applicable

Finding: Not applicable at the time of the initial assessment. HES has not operated self-contained classrooms in the 23-24 SY. HES has only operated multi-grade classrooms. This requirement will need to be re-assessed and will be applicable once HES establishes self-contained classrooms.

Legal Citation: 25 CFR §36.11(a)(2): *Staffing*. Each school shall, at a minimum, meet the following requirements:

(a)(2) Multi-grade classrooms that cross grade-level boundaries (e.g., K-1, 3-4, etc.) shall use the maximum of the lower grade. In grades K-8, grades shall be consolidated to meet the teacher ratios listed above.

Requirement Met
 Non-Compliance

HES Initial Assessment Report

Not Applicable

Finding: For the 23-24 School Year (SY), HES established four multi-grade classrooms: (1) K-2 Multi-Grade Classroom, (2) 3-4 Multi-Grade Classroom, (3) 5-6 Multi-grade Classroom, and (4) 7-8 Multi-Grade Classroom. The K-2 multigrade classroom has consistently exceeded the recommended ratio for the 23-24 SY with an ADM of 25 students to 1 teacher. The ratio should have remained at or below 20:1. In addition, some 4th grade students were added to the 5-6 classroom, and some 2nd graders were added to the 3-4 classroom.

Legal Citation: 25 CFR §36.11(a)(3): Staffing: Each school shall, at a minimum, meet the following requirements:

(a)(3) The daily teaching load per teacher in departmentalized classes shall not exceed 150 students (ADM) except in activity type classes such as music and physical education.

Requirement Met

Non-Compliance

Not Applicable

Finding: Not applicable, as HES does not offer departmentalized classes and the HES student population is less than 150.

Legal Citation: 25 CFR §36.11(a)(4): Staffing. Each school shall, at a minimum, meet the following requirements:

(a)(4) Schools exceeding these specific staffing ratios for over 30 consecutive days during one school year shall submit a justification for a request for a waiver to the Director, through the Agency Superintendent for Education or Area Education Programs Administrator, as appropriate, which may be approved for a period not to exceed one school year and for the following reasons:

(i) Additional classroom space is not available for establishing another class; or

(ii) The school, Agency, Area and Office of Indian Education Programs Applicant Supply File has been exhausted and the required teacher position cannot be filled. However, efforts to fill the vacancy shall be continued.

Requirement Met

Non-Compliance

Not Applicable

Finding: Based on the requirement and determination in §36.11(a)(2), the K-2 multigrade classroom exceeded the student to teacher ratio consistently since the start of the 23-24 SY. HES could not produce documentation to show it submitted a justification for a request for a waiver for exceeding the ratio for over 30-consecutive days during the 23-24 SY.

Legal Citation: 25 CFR §36.11(a)(5): Staffing. Each school shall, at a minimum, meet the following requirements:

(a)(5) Each school shall provide, in the absence of a regular teacher, a certified substitute teacher who meets the State substitute teacher qualifications. In the event that such a substitute is not available, coverage will be provided by a school employee designated by the school supervisor. A class cannot have as a teacher an employee without teaching credentials for more than 20 school days during any one school year.

Requirement Met

Non-Compliance

HES Initial Assessment Report

Not Applicable

Finding: HES did not maintain documentation to outline which staff covered which classrooms for each day of the 23-24 SY. Staff reported having several non-certified teachers covering the classrooms, on as needed basis due to staffing shortages, illness, or absences. The school employees were designated by a school supervisor to cover classrooms when this occurred. This requirement was difficult to assess, given the lack of documentation HES could produce to support compliance with this requirement.

Legal Citation: 25 CFR §36.11(b):

(b) Written school enrollment and attendance policies. Each school shall have written school enrollment and attendance policies in compliance with and/or consistent with 25 CFR 31, Federal Schools for Indians, the statutes of the State, and tribal education ordinances.

Requirement Met

Non-Compliance

Not Applicable

Finding: HES has a written policy in the student handbook for enrollment and attendance. HES does not have standard protocols and procedures to inform the day-to-day practices at the school, to support the attendance and enrollment policy. There are differences in how staff manage tardies and absences and how this information and data is then documented and recorded into NASIS.

Legal Citation: 25 CFR §36.11(c)

(c) Immunization. School children shall be immunized in accordance with the regulations and requirements of the state in which they attend school or standards of the Indian Health Service.

Requirement Met

Non-Compliance

Not Applicable

Finding: HES is collecting an immunization record for students. However, many immunization records indicate missing vaccines. It is unclear how the school is monitoring this requirement and what efforts are being made to obtain an updated immunization record for those students who are missing a vaccine.

25 CFR § 36.20 Standard V – Minimum Academic Programs/ School Calendar

25 CFR § 36.20, Standard V for Minimum Academic Programs/ School Calendar falls under Subpart C – Minimum Program of Instruction. There are seven (7) core requirements under § 36.20. The initial assessment determined, 2/7 requirements are compliant, and 5/7 requirements are non-compliant. The initial assessment determined HES is at a 28.57% compliance rate for this regulation.

The seven core requirements of § 36.20 are:

1. §36.20(a) – Early Dismissal Procedures for Counting School Day
2. §36.20(b) – Multi-culture and multi-ethnic dimensions within the educational program
3. §36.20(b)(1) – Assessment of the English & Native Language ability of students
4. §36.20(b)(2) – Native culture in all curriculum areas
5. §36.20(b)(3) – Assessment of student learning styles to inform instruction
6. §36.20(b)(4) – Minimum field trip per child per year
7. §36.20(c) – Intraschool programs from beginning to end of School Year

Legal Citation: 25 CFR §36.20(a): If an emergency arises from an uncontrollable circumstance during the school day which results in the dismissal of students by the school administration, the day may be counted as a school day provided that three-fourths of the instructional hours are met

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: SY 2023-2024 schedule includes half day and early dismissal schedules. NASIS is the system of to record early release days.

Legal Citation: 25 CFR §36.20(b): The educational program shall include multi-culture and multi-ethnic dimensions designed to enable students to function effectively in a pluralistic society.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES is not operating a robust educational instruction program to meet this requirement. At the time of the initial assessment, HES is not using or implementing a curriculum for core areas including Math, Science, Social Studies, Fine Arts/Practical Arts and Physical Education. The school has and is implementing Savvas for ELA. The inclusion of multi-culture and multiethnic dimensions falls on the individual Teacher to identify and incorporate and staff are doing the best they can. There is no explicit expectation or accountability to this requirement. HES is continuing to build its educational instructional program and adopting new curriculum and instructional materials.

Legal Citation: 25 CFR §36.20(b)(1): The school's language arts program shall assess the English and native language abilities of its students and provide instruction that teaches and/or maintains both the English and the primary native language of the school population. Programs shall meet local tribal approval.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The school uses and implements the Savvas, an English Language curriculum, which assess English language abilities of the students. HES offers Native Language & Culture as a Special on the

HES Initial Assessment Report

school schedule. It is provided once a week to each class. The teacher is a Tribal member. No other teachers are providing instruction that teaches and/or maintains both the English and the primary native language of the students, as the other Teachers at the school, do not speak Supai. HES does not teach in the primary native language. HES has not conducted a language assessment to determine the number of students that speak the Havasupai language, Upland Yuman.

Legal Citation: 25 CFR §36.20(b)(2): The school program shall include aspects of the native culture in *all* curriculum areas. Content shall meet local tribal approval.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The school’s educational program does not include aspects of native culture in *all* curriculum areas. Native culture, although offered each day, is not programmatic and part of the instructional programming throughout. Staff and teachers try to incorporate aspects of Supai culture but is not consistent and intentionally planned for at the school-level and it has not been vetted and approved by the Tribe. There is a Native Language Teacher, who is a Tribal member who teaches native language and culture during one block each day.

Legal Citation: 25 CFR §36.20(b)(3): The school program shall assess the learning styles of its students and provide instruction based upon that assessment. The method for assessing learning styles shall be determined at the local level.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has not conducted a Learning Style assessment or inventory on its students to inform instruction.

Legal Citation: 25 CFR §36.20(b)(4): The school program shall provide for at least one field trip per child per year to broaden social and academic experiences.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has provided different field trip opportunities during the 23-24SY, both within the canyon and outside. Each student has participated in at least one field trip.

Legal Citation: 25 CFR §36.20(c): All intraschool programs (e.g., library, instructional labs, physical education, music, etc.) which are directly related to or affect student instruction shall provide services from the beginning of the school term through the final class period at the close of the school term.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: For the 2023-2024 SY, HES offers Native Language and Culture. The class is taught by a local Tribal Member. It is offered as a daily special to each class once a week for 45 minutes. This is the sole intraschool program/class offered since the beginning of the school term. Other specials have been adopted and offered to students on a rolling basis. There were several specials listed on the school schedule, but not offered until later in the SY. The Physical Education (PE) Teacher started on January 25, 2024, and provides a PE class once a week on Thursdays to each class. The PE class is dependent

HES Initial Assessment Report

upon a daily flight in and out of Supai each Thursday – the flight has been cancelled twice between January – February 2024. Social Emotional Learning (SEL) is also offered as a special. The School Counselor began SEL Groups in January 2024. It is offered once a week to each class. The special for Library has not started or offered to-date for the 23-24 SY. HES is working on this. HES has procured a federal contract with O'Ready, LLC under PO: 140A2323P0800, to fly in a Librarian once a week to Supai to provide Librarian Services in accordance with and to support a library program at HES, in accordance with 36.40(a)(3).

25 CFR § 36.21 Standard VI – Kindergarten Instructional Program

25 CFR § 36.21, Standard VI - Kindergarten Instructional Program falls under Subpart C – Minimum Program of Instruction. There were seven (7) core requirements assessed under § 36.21. The initial assessment determined, 2/7 requirements are met, and 5/7 requirements are not compliant. The initial assessment determined HES is at a 28.57% compliance rate for this regulation.

The seven core requirements of § 36.21 are:

1. §36.21(a) – Kindergarten Curriculum emphasize language development, native language, and requirements of Paragraph b & assisting children in developing positive feelings
2. §36.21(a) – Kindergarten Curriculum assists children in developing positive feelings towards self
3. §36.21(b)(1) – Kindergarten Instructional Program includes: Language (observing, listening, speaking).
4. §36.21(b)(2) - Kindergarten Instructional Program includes: (2) Exploration of the environment (number, space and time relationships, natural science).
5. §36.21(b)(3) - Kindergarten Instructional Program includes: (3) Psychomotor and socialization development.
6. §36.21(b)(4) – Kindergarten Instruction Program includes: (4) Development of imaginative and creative tendencies.
7. §36.21(b)(5) – Kindergarten Instruction Program includes: (5) Health education inclusive of the requirements contained in the Act of May 20, 1886, 24 Stat. 69.

Legal Citation: 25 CFR §36.21(a) - The curriculum for kindergarten shall provide children with experiences which emphasize language development, native language where necessary as determined by 25 CFR 39.11(g), and performance of the requirements in paragraph (b) of this section.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES is implementing and using a curriculum that emphasizes language development and has a local tribal member teaching Native Language and Culture one a time week to kindergarten. HES is not meeting all the requirements outlined in paragraph (b) of this section. HES has multi-grade classrooms which directly impacted the kindergarten class during the 23-24 SY.

Legal Citation: 25 CFR §36.21(a). Such programs shall assist children in developing positive feelings toward themselves and others.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The School Counselor was hired in November 2023 and started in Supai at HES in December 2023. In January 2024, the School Counselor began offering Social Emotional Learning (SEL) groups. SEL groups is one of the Specials, Master Schedule. HES is working on implementing a Positive Behavior Intervention and Supports school wide and classroom-based system.

Legal Citation: 25 CFR §36.21(b)(1): performance of the requirements in paragraph (b) of this section.

(b) A kindergarten instructional program shall include but not be limited to: (1) Language (observing, listening, speaking).

HES Initial Assessment Report

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES identified and began using in the 23-24 SY, the School Curriculum, MyView Literacy Savvas. The MyView Literacy Savvas serves as the primary adopted curricular package for HES. It has language development units for kindergarten. It provides lessons based on current research about how students learn to read, explicit and systematic instruction and routines for phonemic awareness, phonics, word study, fluency, vocabulary, and reading comprehension, progress monitoring for data-based decision making, clear instruction for teachers to provide immediate feedback to eliminate student misconceptions, visual aids to enhance instruction, clear step by step instructional routines, opportunity for teacher to model tasks, and multiple opportunities for student independent practice. All lessons provided are differentiated to meet the range of learners in the classroom. The kindergarten teacher instructs in phonics and English. HES is continuing to train staff and ensure fidelity of use. This is ongoing process.

Legal Citation: 25 CFR §36.21(b)(2)

(b) A kindergarten instructional program shall include but not be limited to: (2) Exploration of the environment (number, space and time relationships, natural science).

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This is requirement is partially met, as the kindergarten teacher report she works to incorporate aspects of exploration of the environment (number, space and time relationships, natural science) into the day. There are no lesson plans however, to demonstrate this. Further, at the start of SY 23-24, the kindergarten class was merged into a multi-grade classroom with 1st and 2nd grade. Due to the size of the multi-grade classroom (~26 students), the kindergarten classroom did not support Learning Centers. Learning Centers integrate a variety of different learning concepts, opportunities and experiences into the classroom and were intended to support this requirement as well as requirement b (2-5) more intentionally and deliberately. The kindergarten teacher reports these elements are taught but not consistently and explicating through an existing curriculum and instructional program.

Legal Citation: 25 CFR §36.21(b)(3)

(b) A kindergarten instructional program shall include but not be limited to: (3) Psychomotor and socialization development.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This is requirement is partially met, as the kindergarten teacher report she works to incorporate aspects of psychomotor and socialization development into the day. There are no lesson plans however, to demonstrate this. Further, at the start of SY 23-24, the kindergarten class was merged into a multi-grade classroom with 1st and 2nd grade. Due to the size of the multi-grade classroom (~26 students), the kindergarten classroom did not support Learning Centers. Learning Centers integrate a variety of different learning concepts, opportunities and experiences into the classroom and were intended to support this requirement as well as requirement b (2-5) more

HES Initial Assessment Report

intentionally and deliberately. The kindergarten teacher reports these elements are taught but not consistently and explicating through an existing curriculum and instructional program.

Legal Citation: 25 CFR §36.21(b)(4)

(b) A kindergarten instructional program shall include but not be limited to: (4) Development of imaginative and creative tendencies.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This is requirement is partially met, as the kindergarten teacher report she works to incorporate aspects of development of imaginative and creative tendencies into the day. There are no lesson plans however, to demonstrate this. Further, at the start of SY 23-24, the kindergarten class was merged into a multi-grade classroom with 1st and 2nd grade. Due to the size of the multi-grade classroom (~26 students), the kindergarten classroom did not support Learning Centers. Learning Centers integrate a variety of different learning concepts, opportunities and experiences into the classroom and were intended to support this requirement as well as requirement b (2-5) more intentionally and deliberately. The kindergarten teacher reports these elements are taught but not consistently and explicating through an existing curriculum and instructional program.

Legal Citation: 25 CFR §36.21(b)(5)

(b) A kindergarten instructional program shall include but not be limited to: (5) Health education inclusive of the requirements contained in the Act of May 20, 1886, 24 Stat. 69.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This is requirement is partially met, as the kindergarten teacher report she works to incorporate aspects of health education into the day. There are no lesson plans however, to demonstrate this. Further, at the start of SY 23-24, the kindergarten class was merged into a multi-grade classroom with 1st and 2nd grade. Due to the size of the multi-grade classroom (~26 students), the kindergarten classroom did not support Learning Centers. Learning Centers integrate a variety of different learning concepts, opportunities and experiences into the classroom and were intended to support this requirement as well as requirement b (2-5) more intentionally and deliberately. The kindergarten teacher reports these elements are taught but not consistently and explicating through an existing curriculum and instructional program.

25 CFR § 36.22 - Standard VII - Elementary Instructional Program

25 CFR § 36.22, Standard VII – Elementary Instructional Program falls under Subpart C – Minimum Program of Instruction. There are eleven (11) core requirements assessed under § 36.22. The initial assessment determined, 2/11 requirements are met, and 9/11 requirements are non-compliant. The initial assessment determined HES is at a 18.18% compliance rate for this regulation.

The eleven core requirements assessed under § 36.22 are:

1. §36.22(a)(1) – Elementary Instruction Program shall include: (1) Language arts.
2. §36.22(a)(2) – Elementary Instruction Program shall include: (2) Mathematics.
3. §36.22(a)(3) – Elementary Instruction Program shall include: (3) Social Studies.
4. §36.22(a)(4) – Elementary Instruction Program shall include: (4) Sciences.
5. §36.22(a)(5) – Elementary Instruction Program shall include: (5) Fine Arts.
6. §36.22(a)(6) – Elementary Instruction Program shall include: (6) Physical Education.
7. §36.22(b)(1) – School shall integrate content area into curriculum: (1) Career.
8. §36.22(b)(2) – School shall integrate content area into curriculum: (2) Environmental and Safety Education.
9. §36.22(b)(3) – School shall integrate content area into curriculum: (3) Health Education.
10. §36.22(b)(4) – School shall integrate content area into curriculum: (4) Metric Education.
11. §36.22(b)(5) – School shall integrate content area into curriculum: (3) Computer Literacy.

Legal Citation: §36.22(a)(1)

a) The elementary instruction programs, grades one through six, shall include but need not be limited to: (1) Language arts.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: For the 23-24 SY, HES is implementing and using the School Curriculum, MyView Literacy Savvas for its English Language Arts (ELA) instructional program. It provides lessons based on current research about how students learn to read, explicit and systematic instruction and routines for phonemic awareness, phonics, word study, fluency, vocabulary, and reading comprehension, progress monitoring for data-based decision making, clear instruction for teachers to provide immediate feedback to eliminate student misconceptions, visual aids to enhance instruction, clear step by step instructional routines, opportunity for teacher to model tasks, and multiple opportunities for student independent practice. All lessons provided are differentiated to meet the range of learners in the classroom. The kindergarten teacher instructs in phonics and English. HES will continue to train and coach staff to ensure fidelity of use. This is an ongoing process. This includes onboarding staff to Savvas and IReady, ongoing instructional support, lesson plans and accountability measures.

Legal Citation: §36.22(a)(2)

(a) The elementary instruction programs, grades one through six, shall include but need not be limited to: (2) Mathematics.

- Requirement Met
- Non-Compliance
- Not Applicable

HES Initial Assessment Report

Finding: HES has an established MATH block on the Master Schedule for the 23-24 School Year (SY). Currently, HES is not using a Math Curriculum. HES ordered the Envision Math Curriculum in December 2023. HES is waiting for the material and resources to be delivered. Staff with access to IReady report using it to generate student data. To support this requirement, teachers find their own resources and use the BIE Math Standards when incorporating materials and resources. The type of materials, resources, and worksheets, vary from teacher to teacher. HES does not currently use lesson plans to link the Standards to the school's instructional program to demonstrative how the Standards are taught, what objective are taught, and how mastery of those objectives is assessed.

Legal Citation: §36.22(a)(3)

(a) The elementary instruction programs, grades one through six, shall include but need not be limited to: (3) Social studies.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has a ½ hour Social Studies block on the Master Schedule. Currently, HES does not use a curriculum for Social Studies. There is no Textbook or Instructional Guide. Teachers incorporate and link Social Studies related materials typically through their ELA instructional time. They will pull material from online resources and from the Savvas Curriculum, as needed. In December 2023, HES ordered the Next Generation Social Studies Curriculum which includes textbooks and instructional guides, but it has not yet been implemented. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.22(a)(4)

(a) The elementary instruction programs, grades one through six, shall include but need not be limited to: (4) Sciences.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has a ½ hour Science block on the Master Schedule. Currently, HES does not use a curriculum for science. There is no Textbook or Instructional Guide. Teachers incorporate and link Science related materials typically through their ELA instructional time. They will pull material from online resources and from the Savvas Curriculum, as needed and applicable. HES has not yet identified or ordered a curriculum for science. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.22(a)(5)

(a) The elementary instruction programs, grades one through six, shall include but need not be limited to: (5) Fine Arts.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: Currently, HES does not offer a fine arts instructional program. Staff report improvising and doing their best to incorporate art into the day and into class projects. Fine Art was identified by staff as

HES Initial Assessment Report

a critical need area and an untapped opportunity. Staff share how much the students are drawn to art and music; and many of the students are exceptional, self-taught artists. Staff would love to see this instruction program built out more intentionally. They also noted that artisans and craftsman are part of the fabric of the Tribal community, and how to ensure the fine arts program reflects, incorporates, and becomes an extension of the traditional artisan work of Havasupai. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.22(a)(6)

(a) The elementary instruction programs, grades one through six, shall include but need not be limited to: (6) Physical Education.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The Physical Education (PE) instructional program began in January 2024 at HES. A contracted PE teacher flies into Supai, once a week on Thursdays, on a contracted flight with Airwest Helicopter Services to provide PE instruction to all grade levels and classes. The first PE class was offered on Thursday, January 25, 2024. Although Requirement Met was given, HES will need to strengthen key areas to sustain and promote a consistent PE program. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment. In addition, this includes procedures and protocols as it relates to this contracted services, ongoing instructional support, lesson plan templates, review and oversight, accountability measures to ensure fidelity of instruction, and examine sustainability measures of the PE programming.

Legal Citation: §36.22(b)(1)

(b) Each school shall integrate the following content areas into its curriculum: (1) Career awareness

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not provide core programming to integrate this contact area into the curriculum. Staff improvise and pull in their own resources, but this programming is not driven at the system-level. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.22(b)(2)

(b) Each school shall integrate the following content areas into its curriculum: (2) Environmental and safety education

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not provide core programming to integrate this contact areas into the curriculum. Staff improvise and pull in their own resources. There is no documentation to demonstrate this is being done consistently or in a systematic way. HES does not currently use lesson plans. A lesson plan would

HES Initial Assessment Report

demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.22(b)(3)

(b) Each school shall integrate the following content areas into its curriculum: (3) Health education (includes requirements contained in 24 Stat. 69),

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not provide core programming to integrate this contact areas into the curriculum. Staff improvise and pull in their own resources. There is no documentation to demonstrate this is being done consistently or in a systematic way. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.22(b)(4)

(b) Each school shall integrate the following content areas into its curriculum: (4) Metric education

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not provide core programming to integrate this contact areas into the curriculum. Staff improvise and pull in their own resources. There is no documentation to demonstrate this is being done consistently or in a systematic way. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.22(b)(5)

(b) Each school shall integrate the following content areas into its curriculum: (5) Computer literacy.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not provide core programming to integrate this contact areas into the curriculum. Staff improvise and pull in their own resources. There is no documentation to demonstrate this is being done consistently or in a systematic way. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

25 CFR § 36.23 – Standard VIII – Junior High/Middle School Instructional Program

25 CFR § 36.23, Standard VIII – Junior High/Middle School Instructional Program falls under Subpart C – Minimum Program of Instruction. There are fifteen (15) core requirements assessed under § 36.23. The initial assessment determined, 3/15 requirements are met, 11/15 requirements are non-compliant, and 1/15 are not applicable. The initial assessment determined HES is at a 21.43% compliance rate for this regulation.

The fifteen core requirements assessed under § 36.23 include:

1. §36.23(a) – Instruction Program Philosophy and a progressive development from elementary program to the secondary program.
2. §36.23(b)(1) – Curriculum shall include required instruction content: (1) Language Arts.
3. §36.23(b)(2) – Curriculum shall include required instruction content: (2) Social Studies.
4. §36.23(b)(3) – Curriculum shall include required instruction content: (3) Mathematics.
5. §36.23(b)(4) – Curriculum shall include required instruction content: (4) Science.
6. §36.23(b)(5) – Curriculum shall include required instruction content: (5) Fine Arts and Practical Arts.
7. §36.23(b)(6) – Curriculum shall include required instruction content: (6) Computer Literacy.
8. §36.23(b)(7) – Curriculum shall include required instruction content: (7) Physical Education.
9. §36.23(c)(1) – Content area shall be integrated into curriculum: (1) Career Exploration and Orientation.
10. §36.23(c)(2) – Content area shall be integrated into curriculum: (2) Environmental and Safety Education.
11. §36.23(c)(3) – Content area shall be integrated into curriculum: (3) Metric Education.
12. §36.23(c)(4) – Content area shall be integrated into curriculum: (4) Consumer Economics.
13. §36.23(c)(5) – Content area shall be integrated into curriculum: (5) Health Education.
14. §36.23(d) - Languages other than English are encouraged to be offered as a content area.
15. §36.23(e) - Laboratory or vocational exploration class.

Legal Citation: §36.23(a):

(a) The instructional program shall reflect the school's philosophy and the needs of the students and the community. It shall be part of a progressive development that begins in the elementary program which precedes it and continues to the secondary program which follows.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The overall instructional program for junior high/middle school at HES does not currently offer a progressive development program that begins in the elementary program and continues into the secondary program. HES is building its instructional program. At the time of the initial assessment, HES was using only one standard curriculum for the English Language Arts instructional program that supports progressive development from level to level. HES is in the process of adopting and implementing new curriculums for Math and Social Studies. The textbooks, materials, and resources were ordered by HES in December 2023. HES was still waiting on the delivery of the materials in January 2024. The content areas outlined in section (C, 1-5), are not being offered. HES does not provide core programming to integrate the content areas into the curriculum outlined in section ((c) (1-5)). HES does not incorporate the content areas systematically or consistently. Staff improvise and pull

HES Initial Assessment Report

in their own resources to cover some of the content areas. The new 2023-2024 schedule includes the core subjects of: ELA, Math, Social Studies, and Science as well as a daily specials rotation that includes PE, Native Culture/Language, Library, and social emotional learning (since the new Counselor started Nov 2023), lunch, and recess. At of January 2024, HES is not offering library, fine arts, practical arts, or computer literacy classes. HES is missing core elements of its instructional program. HES does not use Lesson Plans. Lesson plans communicate to learners what they will learn and how they will be assessed, and they help teachers organize content, materials, time, instructional strategies, and assistance in the classroom. In addition, core protocols and procedures to guide the instructional program are missing.

Legal Citation: §36.23(b)(1):

(b) The curriculum shall include the following required instructional content areas at each grade level but need not be limited to:

(1) Language arts. One unit shall be required of each student every year.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: For the 23-24 SY, HES is implementing and using the School Curriculum, MyView Literacy Savvas for its English Language Arts (ELA) instructional program. It provides lessons based on current research about how students learn to read, explicit and systematic instruction and routines for phonemic awareness, phonics, word study, fluency, vocabulary, and reading comprehension, progress monitoring for data-based decision making, clear instruction for teachers to provide immediate feedback to eliminate student misconceptions, visual aids to enhance instruction, clear step by step instructional routines, opportunity for teacher to model tasks, and multiple opportunities for student independent practice. All lessons provided are differentiated to meet the range of learners in the classroom. The kindergarten teacher instructs in phonics and English. HES will continue to train and coach staff to ensure fidelity of use. This is an ongoing process. This includes onboarding staff to Savvas and IReady, ongoing instructional support, lesson plans and accountability measures. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(b)(2):

(b) The curriculum shall include the following required instructional content areas at each grade level but need not be limited to:

(2) Social studies. One unit shall be required of each student every year.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has a ½ hour Social Studies/ Science block on the Master Schedule. HES does not use a curriculum for Social Studies or Science. There is no Textbook or Instructional Guide. Teachers incorporate and link Social Studies related materials typically through their ELA instructional time. They will pull material from online resources and from the Savvas Curriculum, as needed. In December 2023, HES ordered the Next Generation Social Studies Curriculum which includes textbooks and instructional guides, but it has not yet been implemented. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(b)(3):

HES Initial Assessment Report

(b) The curriculum shall include the following required instructional content areas at each grade level but need not be limited to:

(3) Mathematics. One unit shall be required of each student every year.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has an established MATH block on the Master Schedule for the 23-24SY. Currently, HES is not using a Math Curriculum. HES ordered the Envision Math Curriculum in December 2023, but it has not yet been implemented. HES is waiting for the material and resources to be delivered. Staff with access to IReady report using it to generate student data. The teachers find their own resources to teach Math, and some staff – more experienced teachers, are using the BIE Math Standards when incorporating materials and resources. The type of materials, resources, and worksheets, vary from teacher to teacher. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(b)(4):

(b) The curriculum shall include the following required instructional content areas at each grade level but need not be limited to:

(4) Science. One unit shall be required of each student every year.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has a ½ hour Social Studies/ Science block on the Master Schedule. Currently, HES does not use a curriculum for Social Studies or Science. There is no Textbook or Instructional Guide. Teachers incorporate and link Science related materials typically through their ELA instructional time. They will pull material from online resources and from the Savvas Curriculum, as needed and applicable. HES has not yet identified or ordered a curriculum for science. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(b)(5):

(b) The curriculum shall include the following required instructional content areas at each grade level but need not be limited to:

(5) Fine arts and practical arts. One unit each shall be required of each student in the junior high/middle school instructional program.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not offer a fine arts and practical arts instructional program. Staff report improvising and doing their best to incorporate art into the day and into class projects. Fine Art and practical arts were identified by staff as a critical need area and an untapped opportunity. Staff share how much the students are drawn to art and music; and many of the students are exceptional, self-taught artists. Staff would love to see this instruction program built out more intentionally. They also noted that artisans and craftsman are part of the fabric of the Tribal community, and any programming

HES Initial Assessment Report

should reflect, incorporate, and be an extension of the traditional artisan work of Havasupai Tribe and community. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(b)(6):

(b) The curriculum shall include the following required instructional content areas at each grade level but need not be limited to:

(6) Computer literacy. One unit shall be required of each student in the junior high/middle school instructional program.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not use a standard program or a curriculum for Computer Literacy. Staff report doing their best to teach students key computer literacy skills, like using Microsoft Products, like Word, Excel, Power Point, etc, but it stops there. Staff hope to see a computer literacy program is to teach students great skills – digital presentation, online communication, file management, troubleshooting, digital researching, etc. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(b)(7):

(b) The curriculum shall include the following required instructional content areas at each grade level but need not be limited to:

(7) Physical education. One unit shall be required of each student in the junior high/middle school instructional program.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The Physical Education (PE) instructional program began in January 2024 at HES. A contracted PE teacher flies into Supai, once a week on Thursdays, on a contracted flight with Airwest Helicopter Services to provide PE instruction to all grade levels and classes. The first PE class was offered on Thursday, January 25, 2024. Although Requirement Met was given, HES will need to strengthen key areas to sustain and promote a consistent PE program. This includes procedures and protocols as it relates to this contracted services, ongoing instructional support, lesson plan templates, review and oversight, accountability measures to ensure fidelity of instruction, and examine sustainability measures of the PE programming. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(c)(1):

(c) The following content areas shall be integrated into the curriculum.

(1) Career exploration and orientation.

- Requirement Met
- Non-Compliance
- Not Applicable

HES Initial Assessment Report

Finding: HES does not provide core programming to integrate this contact areas into the curriculum. Staff improvise and pull in their own resources, but this programming is not driven at the system-level. The new HES School Counselor has begun meeting with 8th graders to do some career exploration and orientation to help them transition from HES to another school after they graduate, as HES ends after grade 8. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(c)(2):
(c) The following content areas shall be integrated into the curriculum.
(2) Environmental and safety education.

Requirement Met
 Non-Compliance
 Not Applicable

Finding: This content area is not part of the core instructional programming at HES. Staff improvise and pull in their own resources, when possible. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, and where they are building in this content area into their lesson, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(c)(3):
(c) The following content areas shall be integrated into the curriculum.
(3) Metric education.

Requirement Met
 Non-Compliance
 Not Applicable

Finding: This content area is not part of the core instructional programming at HES. Staff improvise and pull in their own resources, when possible. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, and where they are building in this content area into their lesson, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(c)(4):
(c) The following content areas shall be integrated into the curriculum.
(4) Consumer economics (including personal finances).

Requirement Met
 Non-Compliance
 Not Applicable

Finding: This content area is not part of the core instructional programming at HES. Staff improvise and pull in their own resources, when possible. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, and where they are building in this content area into their lesson, through learning objectives, activities, and student assessment.

Legal Citation: §36.23(c)(5):
(c) The following content areas shall be integrated into the curriculum.

HES Initial Assessment Report

<p>(5) Health education (includes meeting the requirements contained in 24 Stat. 69).</p> <p><input type="checkbox"/> Requirement Met <input checked="" type="checkbox"/> Non-Compliance <input type="checkbox"/> Not Applicable</p> <p>Finding: This content area is not part of the core instructional programming at HES. Staff improvise and pull in their own resources, when possible. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, and where they are building in this content area into their lesson, through learning objectives, activities, and student assessment. In the past HES used the Indian Health Services to help fulfill this content areas but has not done so in the 23-24 SY.</p>
<p>Legal Citation: §36.23(d)</p> <p>(d) Languages other than English are encouraged to be offered as a content area beginning at junior high/middle school level.</p> <p><input checked="" type="checkbox"/> Requirement Met <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Not Applicable</p> <p>Finding: HES offers a Native Language Special on the Master Schedule for 45 minutes each day. A local Tribal Member teaches this language and cultural class. Each class accesses this special once a week. HES does not currently use lesson plans. A lesson plan would demonstrate how HES is developing lessons to addresses the BIE standard, through learning objectives, activities, and student assessment.</p>
<p>Legal Citation: §36.23(e)</p> <p>(e) Student enrollment in any laboratory or vocational exploration class shall be consistent with applicable health and safety standards.</p> <p><input type="checkbox"/> Requirement Met <input type="checkbox"/> Non-Compliance <input checked="" type="checkbox"/> Not Applicable</p> <p>Finding: This is not applicable, as HES does not offer laboratory or vocational exploration classes.</p>

25 CFR § 36.30 – Standard X – Grading Requirements

25 CFR § 36.30, Standard X – Grading Requirements falls under Subpart D – Student Instruction Evaluation. There are five (5) core requirements assessed under § 36.30. The initial assessment determined, 2/5 requirements are met, and 3/5 requirements are non-compliant. The initial assessment determined HES is at a 40% compliance rate for this regulation.

The five core requirements assessed under § 36.30 include:

1. §36.30(a) – Uniform Grading System assesses student’s mastery of prescribed objectives.
2. §36.30(b) – Information derived from student instructional evaluations shall be shared with the student and with the parents.
3. §36.30(c) – Parent/Teacher conferences focused on student’s instructional progress shall be held.
4. §36.30(d) (1-3) – Report card shall (1) Recommendations and probable promotion status; (2) Appropriate signatures and request for return of report cards; and (3) Student attendance record.
5. §36.30(e) - A summary of each year's final card shall become part of the student's permanent school record.

Legal Citation: §36.30(a)

(a) Each school shall implement a uniform grading system which assesses a student's mastery of the prescribed objectives of the courses of study undertaken. The mastery of prescribed course objectives shall be the primary measure of academic attainment for reporting student grades on report cards.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES is not implementing a uniform grading system that assesses a student’s mastery of prescribed objectives of the courses of study undertaken. Currently, HES does not require teachers to submit lesson plans for their courses and classes. This is a key missing piece in HES grading system. An effective lesson plan demonstrates how a teacher creates objectives for his or her students and measures how those objectives are mastered. A key feature of creating a lesson plan is to align the BIE standards with the curriculum and then narrowing the focus to determine which objectives to teach to students. Lesson plans are supposed to help teachers assess how students grasped concepts and learned the curriculum. HES instruction is supposed to be based on BIEs College and Career Ready Standards, yet the day-to-day instruction is not being documented to determine if Teachers are in fact teaching to the standards, and if students are in fact mastering the objectives. Teachers are currently being trained on measuring progress and mastery levels based on the BIE standards, but it is not fully implemented or used consistently. HES will be administering the interim and summative assessments to students in the 23-24 SY. This is another key data piece used to inform and demonstrate mastery of objectives.

Legal Citation: §36.30(b)

(b) The information derived from student instructional evaluations shall be shared with the student and with the parents and shall be used to give teachers and students direction for subsequent learning activities.

- Requirement Met
- Non-Compliance
- Not Applicable

HES Initial Assessment Report

Finding: HES is starting to train and implement data-based decision making in the classroom to inform direction for subsequent learning activities. As staff and the testing is given to students, staff will have the information and data to share with parents and guardians.

Legal Citation: §36.30(c)

(c) Parent/teacher and parent/teacher/student conferences focused on the student's instructional progress and development shall be held, where feasible and practical, to provide an additional means of communication between home and school. Residential schools may meet this standard by documenting the communication of student grades on report cards to parents.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES is holding parent teacher conferences each term with parents/guardians. HES does not operate a residential program.

Legal Citation: §36.30(d) (1-3)

(d) Each school shall issue a report card to parents of students who are under the age of eighteen (18) and to students eighteen (18) years of age and older on a regular basis, but not less than four (4) times yearly. The report card shall include, but not be limited to, the following sections:

- (1) Recommendations and probable promotion status.
- (2) Appropriate signatures and request for return of report cards; and
- (3) Student attendance record.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES is issuing report cards to parent/guardians; however, the report card does not always contain the key information required under (1) or (3). The report cards also do not identify the correct Teacher of Record. Currently, the school Secretary is listed versus the Teacher.

Legal Citation: §36.30(e)

(e) A summary of each year's final card shall become part of the student's permanent school record.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: Student final report cards are maintained in NASIS as part of the student's permanent school record.

25 CFR § 36.31 – Standard XI – Student Promotion Requirements

25 CFR § 36.31, Standard XI – Student Promotion Requirements falls under Subpart D – Student Instruction Evaluation. There are four (4) core requirements assessed under § 36.31. The initial assessment determined, 3/4 requirements are not compliant, and 1/4 requirements are not applicable. initial assessment determined HES is at a zero percent compliance rate for this regulation.

The four core requirements assessed under § 36.31 include:

1. §36.31 – Establish and implement a Promotion Policy which shall be submitted to and approved by the local school board and Area Education Program Administrator.
2. §36.31(a) – Each grade minimum criterion for student promotion based on primarily on measurable mastery of the instructional objectives.
3. §36.31(b) - Criterion-referenced tests that evaluate student skills shall be utilized for measuring the mastery of instructional objectives.
4. §36.31(c)

Legal Citation: 25 CFR § 36.31:

Each school shall establish and implement a promotion policy which shall be submitted to and approved by the local school board and Agency Superintendent for Education or Area Education Programs Administrator, as appropriate.

- Requirement Met
 Non-Compliance
 Not Applicable

Finding: There is no active local school board at HES, and the school board is a dependency of this requirement. HES has a Promotion Policy outlined under Section 5.0 in the HES 2023-2024 Student Handbook under Academic Requirements, but the policy was not approved by the school board. The policy includes language to address parts a & b of this requirement; however, HES is not fully implementing and following the policy. The policy outlines minimum criteria for student promotion – this includes academic and attendance requirements which are requirements outlined in (a) & (b).

Legal Citation: 25 CFR § 36.31 (a)

(a) Each grade level or equivalent shall have a minimum criterion for student promotion based primarily on measurable mastery of the instructional objectives.

- Requirement Met
 Non-Compliance
 Not Applicable

Finding: The Promotion Policy was not approved by the school board, as HES does not have a school board. HES has a minimum criterion for student promotion outlined in the HES’s promotion policy in Section 5.0 Academic Requirements. The policy states, “to be eligible for promotion to the next grade level students are expected to meet the academic and attendance requirements for each grade level. Academic requirements are based on BIE Standards.” The minimum criterion in the policy is academic based and attendance based. HES does not have a robust instructional program for all core areas required under the CFR and are not effectively measuring mastery of instructional objectives. HES does not have the information to inform the academic requirements of the promotion policy. Similarly, HES is not following its own attendance policies. Overall, there is a lack of documentation with key procedures and protocols that impact HES ability to implement and follow the promotion policy.

HES Initial Assessment Report

Legal Citation: 25 CFR § 36.31 (b)

(b) Criterion-referenced tests that evaluate student skills shall be utilized for measuring the mastery of instructional objectives. The evaluation results shall form the basis for the promotion of each student.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: There is a Promotion Policy outlined in Section 5.0 in the HES 2023-2024 Student Handbook under Academic Requirements. With no school board in place to approve the policy, HES cannot meet the 36.31 requirement fully. HES has outlined the minimum criteria for student promotion in the student handbook. The handbook states, “to be eligible for promotion to the next grade level students are expected to meet the academic and attendance requirements for each grade level.” HES does not have key processes and procedures in place at the school to lift and hold the school and staff accountable to this policy and requirement. There is no accountability. HES is not implementing core curriculums to teach the BIE standards for Math, Social Studies, and Science. HES states, their instruction is based on BIEs College and Career Ready Standards. There is no documentation to support or prove this is occurring. HES does not require teachers to submit lesson plans for their courses and classes. An effective lesson plan demonstrates how a teacher creates objectives for his or her students and measures how those objectives are mastered. A key goal of creating lesson plans is to align the BIE standards with the curriculum and then narrowing the focus to determine which objectives to teach to students. The lesson plans are then supposed to help teachers assess how students grasped concepts and learned the curriculum/ content. The lesson plan would offer the documentation to minimally show how HES is teaching the standard and assessing student mastery. Teachers are currently being trained on measuring progress and mastery levels based on the BIE standards, but it is not fully implemented or used consistently. The BIE summative tests are supposed to test the mastery of instruction objectives. HES will conduct BIE grade level summative assessments during the 2023-2024 school year.

Legal Citation: 25 CFR § 36.31 (c)

(c) A student who has not participated, either directly or through approved alternative instructional methods or programs, in a minimum of 160 instructional days per academic term or 80 instructional days per semester without a written excused absence shall not be promoted.

A school board or a school committee may review a promotion decision and, if warranted due to compelling and/or extenuating circumstances, rescind in writing such action on a case-by-case basis. Alternative instructional methods shall be submitted in writing for approval by the Agency Superintendent for Education or Area Education Programs Administrator, as appropriate.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: No students have participated, either directly or through approved alternative instructional methods or programs.

25 CFR § 36.40 – Standard XIII – Library/media program

25 CFR § 36.40, Standard XIII – Library/media program falls under Subpart E – Instructional Support. There are four (4) core requirements assessed under § 36.40. The initial assessment determined, 0/10 requirements are met, and 10/10 requirements are non-compliant. The initial assessment determined HES is at a zero percent compliance rate for this regulation.

The 10 core requirements assessed under § 36.40 include:

1. §36.40(a) – Shall provide a library/media program that meets the applicable state and/or regional standards.
2. §36.40(a)(1) – Written set of instructional and service objectives shall be established with the librarian/media specialist with students and staff.
3. §36.40(a)(2) - A written policy for the selection of materials and equipment shall be developed by a library committee and approved by the school board.
4. §36.40(a)(2)(i) (A-C) - A collection of books suitable for the range of student abilities and interests being served meet ADM ratios.
5. §36.40(a)(2)(ii) - Eight (8) to 12 percent of the basic collection must be composed of reference books, currently relevant and in a state of good physical condition, for practical use.
6. §36.40(a)(2)(iii) - A periodical collection, suitable for the range of student abilities and interests being served, consisting of one (1) periodical for every ten (10) students, shall be maintained.
7. §36.40(a)(2)(iv) - A professional collection for the school staff shall be developed and maintained by the librarian in cooperation with a faculty committee.
8. §36.40(a)(2)(v) - A variety of audio-visual materials, suitable for the range of instruction being provided, of at least 750 items or five (5) items for each student, whichever is larger, and inclusive of materials located in the classrooms shall be maintained.
9. §36.40(a)(3) - There shall be a library media center serviced by a librarian.
10. §36.40(a)(4) - All libraries must conduct an annual inventory of available books, materials, and equipment in accordance with the acquisitions and selection policies.

Legal Citation: §36.40(a)

(a) Each school shall provide a library/media program which shall, as a minimum, meet the applicable state and/or regional standards, but shall not be limited to these, and shall include the following:

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The State of Arizona does not provide state standards to guide the operation of a library/media program for schools. The State of Arizona, Department of Education does not provide standards for a library/media program. Given this, the C.F.R. outlines the minimum standards the HES school must provide in a library/media program. The assessment to determine compliance with the C.F.R. examined the eight requirements outlined under 25 C.F.R. 36.40.

At the start of school year 2023-2024, HES established a library, with new furniture, in a space that was formerly used as a storage room. HES teachers and students have access to the library, on an as-needed basis. At the start of school year 2023-2024, library specials were added to the school schedule and the principal intended to staff this special when the schedule allowed, however due to staffing shortages this did not occur, per staff reports.

HES Initial Assessment Report

HES does not have a librarian or Media Specialist on staff to support the library/media program or other school level staff to facilitate access to information and resources within the library for student and staff. This includes to curate collections in accordance with the 36.40 requirements, to develop educational programs, to create a library classification and categorization system, and to manage the school’s library database and access to periodicals and other media resources, as required under this part.

HES is working towards bringing a librarian on site. HES has procured a federal contract with O’Ready, LLC under PO: 140A2323P0800, to fly in a Librarian once a week to HES to provide Librarian Services and to support a library program at HES, in accordance with 36.40(a)(3). At the time of the report, February 2024, the O’Ready, LLC contractor, identified a candidate to fulfill the librarian position in accordance with the contract requirements. This individual is pending the BIE Background Check.

During the on-site visit to HES in January 2024, a tour of the HES library was made to assess the 36.40 requirements. In addition, discussions with HES staff occurred. The library is full of books and the school has boxes of new books around campus – in the Administrative Building and the “fishbowl” room – with stacks of new books and series books. The books that are in the library are not cataloged or categorized well. This makes the ease and use of the library difficult for staff and students. There are some areas within the library where books are grouped together by topic area/content, but most of the shelves are a mix of different topics and different types of books and don’t appear to be organized. For example – there are books mixed that include adventure, science fiction, biographies, history, etc. The library does consist of mostly donated books and many of the books were received before 2019. However, the boxes of new books have not been added yet and will be a welcome to the library and to the teachers/staff. The school reports a team from the Verdy Valley School District will be visiting HES in March 2024 to categorize and catalog the HES Book Collection in the Library.

Legal Citation: §36.40(a)(1)

(a) Each school shall provide a library/media program which shall, as a minimum, meet the applicable state and/or regional standards, but shall not be limited to these, and shall include the following:

(1) A written set of instructional and service objectives shall be established that is integrated and consistent with the school's educational goals and philosophy. The librarian or educational media specialist, with students and staff, shall set objectives based on assessed academic and residential needs. The program and services will be evaluated yearly by the principal and the librarian or educational media specialist to determine the degree to which all objectives have been met

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES could not provide a written set of instruction and service objectives based on academic needs to guide the library program. HES does not have a Librarian or Media Specialist hired or available on-site at the time of this report, but has procured a federal contract with O’Ready, LLC under PO: 140A2323P0800, to fly in a Librarian once a week to provide Library Services, in accordance with 36.40(a)(3). HES has not established a written set of instructional and service objectives for the HES library program in collaboration with the students and staff. At the time of the report, February 2024, the O’Ready, LLC contractor, identified a candidate to fulfill the librarian position in accordance with the contract requirements. This individual is pending the BIE Background Check.

Legal Citation: §36.40(a)(2)(i)(A-C)

(2) A written policy for the selection of materials and equipment shall be developed by a library committee in collaboration with the librarian and be approved by the school board. The collection of materials shall include as a minimum the following:

(i) A collection of books suitable for the range of student abilities and interests being served in the following ADM ratios.

(A) Elementary K-6, 15 books per student

(B) Middle 7-8, 12 books per student

(C) Secondary 9-12, 10 books per student

It is required that materials pertaining to Indian Tribes and/or Alaskan Natives be integrated within this basic collection.

Requirement Met

Non-Compliance

Not Applicable

Finding: HES has a large collection of books available in the library that appears to suite a range of student abilities and interests in accordance with the ratios and has several boxes of new book series that will be incorporated into the library. However, because the library is not managed by a librarian, the books are not organized in a way that makes it easy to use and access. There is not catalog or categorization of the existing collection. It is unclear what specific topics, and interests are included in the collection and whether the current collection meets the interest and topics of the current student population. The collection does contain books pertaining to Indian Tribes and/or Alaskan Native. In speaking with staff, there has never been a survey or information collection processed in place to inform the purchasing of new books for students or staff. The school relies heavily on donated books.

Legal Citation: §36.40(a)(2)(ii)

(2) A written policy for the selection of materials and equipment shall be developed by a library committee in collaboration with the librarian and be approved by the school board. The collection of materials shall include as a minimum the following:

(ii) Eight (8) to 12 percent of the basic collection must be composed of reference books, currently relevant and in a state of good physical condition, for practical use. Single copies of the principal textbooks used to complement instruction shall be in the collection, but textbooks cannot be counted toward this standard.

Requirement Met

Non-Compliance

Not Applicable

Finding: The HES library does not maintain within their current basic collection, a section of reference books to meet this requirement, as there is no collection or categorization/catalog. Further, there were no copies of the principal textbooks in the collection in the library that are used to complement instruction as students are given an assigned laptop to access online. This is the way they primarily access reference materials, for this generation. Encyclopedias are no longer used by schools. The school has many dictionaries. It does not contain Bibliographies, almanacs, atlas/maps, directories, or other forms of reference books/materials - citizenship books, encyclopedia of the body, constellations, visual dictionary, dinosaur encyclopedia, national geographic, etc. Also, connectivity to the internet is sometimes an issue at HES, so having hard copy books for students to access is important.

Legal Citation: §36.40(a)(2)(iii)

HES Initial Assessment Report

(2) A written policy for the selection of materials and equipment shall be developed by a library committee in collaboration with the librarian and be approved by the school board. The collection of materials shall include as a minimum the following:

(iii) A periodical collection, suitable for the range of student abilities and interests being served, consisting of one (1) periodical for every ten (10) students, shall be maintained. Schools of over 200 will have a base collection of 20 periodicals.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has a few active subscriptions and periodicals like Cricket. The periodicals are not currently maintained in the library. Minimally HES should have a periodical collection of 7 different types based on the ratio outlined in the requirement. HES does not have a librarian to help facilitate the collection based on student abilities and interests.

Legal Citation: §36.40(a)(2)(iv)

(2) A written policy for the selection of materials and equipment shall be developed by a library committee in collaboration with the librarian and be approved by the school board. The collection of materials shall include as a minimum the following:

(iv) A professional collection for the school staff shall be developed and maintained by the librarian in cooperation with a faculty committee.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The library contains a small collection of professional books targeted for school staff. There are roughly 20-30 different types of books/resources (there were multiple copies of the same book that would increase the number of total books in the professional collection) found in the library during the on-site visit on a shelf near the door. HES currently, does not have a librarian and does not have a faculty committee established to meet this requirement. In discussions with school staff, they report the school has not established a faculty committee or solicited their input into the development of the professional collection in the library in accordance with this requirement.

Legal Citation: §36.40(a)(2)(v)

(2) A written policy for the selection of materials and equipment shall be developed by a library committee in collaboration with the librarian and be approved by the school board. The collection of materials shall include as a minimum the following:

(v) A variety of audio-visual materials, suitable for the range of instruction being provided, of at least 750 items or five (5) items for each student, whichever is larger, and inclusive of materials located in the classrooms shall be maintained. This category includes some of each of the following: Tactile objects, globes, models, maps, films, filmstrips, microforms, slides, audio and video tapes, recordings, transparencies and graphics, and the equipment to use all of these. Multiple items within a specific set of materials will be counted as separate items.

- Requirement Met
- Non-Compliance
- Not Applicable

HES Initial Assessment Report

Finding: Unable to determine if this requirement is met as HES does not maintain school or classroom inventory to meet the number of the audio-visual materials, maintained in the classroom and across the school campus.

Legal Citation: §36.40(a)(3)

(3) There shall be a library media center serviced by a librarian. Schools with fewer than 200 students are encouraged, wherever feasible, to cooperate in sharing librarian resources. Schools within an Agency and/or Area may cooperatively share the costs and services of a librarian who shall facilitate sharing of the combined available resources among the cooperating schools in accordance with the following ratios:

School Enrollment (ADM)

Up to 100 - 1/5 time librarian

101-200 - 1/5 time librarian and 1/2 time library aide or 20 hours of library activity

201-400 - 1 full-time librarian or 2/5 time librarian provided the school has a full-time library aide.

401 + - 1 full-time librarian and a full-time library aide

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not have a library media center serviced by a librarian. The library does contain one Promethean Board. HES does not currently have a Librarian or Media Specialist on staff to fully support a Library/media program. HES has procured a federal contract with O'Ready, LLC under PO: 140A2323P0800, to fly in a Librarian one time a week (1/5 librarian) to HES to provide Library Services, in accordance with 36.40(a)(3). The student population is under 100.

Legal Citation: §36.40(a)(4)

(4) All libraries must conduct an annual inventory of available books, materials, and equipment in accordance with the acquisitions and selection policies.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not have a librarian and HES has not conducted an annual inventory of available books, materials, and equipment.

25 CFR § 36.41 Standard XIV - Textbooks

25 CFR § 36.41, Standard XIV – Textbooks falls under Subpart E – Instructional Support. There are three (3) core requirements assessed under § 36.41. The initial assessment determined, 0/3 requirements are met, and 3/3 requirements are non-compliant. The initial assessment determined HES is at a zero percent compliance rate for this regulation.

The three core requirements assessed under § 36.41 include:

- §36.41(a)
- §36.41(b)(1-3)
- §36.41(c)

Legal Citation: §36.41(a)

(a) Each school shall establish a textbook review committee composed of teachers, parents, and students, and school board members. Appointment to the textbook review committee shall be subject to school board approval.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The HES has not established a textbook review committee composed of teachers, parents, and students, and school board members. The HES does not have a school board in place at this time. The school board is not available to approve appointment of teachers, parents, and students to the textbook review committee.

Legal Citation: §36.41(b)

(b) The textbook review committee shall establish a procedure and criteria for the annual review of textbooks and other materials used to complement instruction. The criteria shall include, but not be limited to, the following:

- (1) The textbooks content shall meet the course objectives which are within the adopted school curriculum.**
- (2) The textbooks shall, as much as possible, reflect cultures accurately.**
- (3) The textbooks shall be current, in good physical condition, and varied in reading levels.**

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This requirement is dependent upon an established textbook review committee. HES has not established a textbook review committee as outlined in (a), thus, the subsequent requirements (1-3) cannot be met. HES does not have an established procedure and criteria for the annual review of textbooks and other materials used to complement instruction; and the procedure does not include the criteria outlined in 1-3. HES has chosen a BIE-approved curricular package by Savvas for ELA, Math, Social Studies and Science, and has adopted the Savvas ELA curricular and will be adopting the Savvas Math curricular. Curricular maps and pacing guides have been provided by the Phoenix ERC as of fall of 2023 for both ELA and Math. The adopted curricular materials are aligned with the BIE College and Career Ready standards and provide research-based best practice instructional opportunities for students. Although HES has begun to adopt curricular to align with the BIE standards, the adopted

HES Initial Assessment Report

curricular package was not reviewed by the textbook review committee and/or Tribal School Board. HES SAVVAS published materials were purchased for ELA – both teacher guides/textbooks as well as student textbooks were being used during the onsite visit. No other textbooks were observed or could be produced that was in use in the classroom. HES did purchase Savvas Math textbooks in December 2023, and during the onsite visit had not yet been distributed or made available to staff. It was reported by HES that the textbooks, material, and instructional guides had not yet arrived. There were no textbooks available or could be produced by the school for Social Studies or Science. The MyView Savvas Literay textbooks were in good physical condition and varied in reading levels. A contract literacy coach provided face-to-face weeklong support in August 2023 prior to the start of the 23-24 SY school to ensure all classrooms were set up in a research-based approach to support instruction and materials were ready for student access/use for ELA.

Legal Citation: §36.41(c)

(c) Each school shall equitably distribute instructional materials to all classrooms. Each school shall inventory all property and equipment annually prior to requisitioning additional materials. Copies of the inventory shall be kept on file by the school staff.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: Each classroom has the instructional materials and textbooks for the Savvas Reading/ELA curricular and there was evidence of this when visiting each classroom. Textbooks and materials were being used by students during observed classroom instructional times, as well as the staff. HES does not have textbooks for Math, Science and Social Studies. HES could not produce a copy of an inventory and it was reported by the school no inventory is currently maintained of all property and equipment nor is there an inventory available to inform the requisitioning of additional materials. A determination could not be made regarding whether the material and textbooks that were distributed, were distributed equitably to all classrooms.

25 CFR § 36.42 Standard XV – Counseling Services

25 CFR § 36.42, Standard XV – Counseling Services falls under Subpart E – Instructional Support. There are seventeen (17) core requirements assessed under § 36.42. The initial assessment determined, 4/17 requirements are met, 10/17 requirements are non-compliant, and 3/17 is not applicable. Two the requirements identified as not compliant will be applicable in April 2024 after the summative assessment and should be re-assessed under the workplan. The initial assessment determined HES is at a 28.57% compliance rate for this regulation.

The 17 core requirements assessed under § 36.42 include:

1. §36.42 - Each school shall offer student counseling services concerned with physical, social, emotional, intellectual, and vocational growth for each individual. Counseling services shall be included in a school-wide assessment program.
2. §36.42(a) - Each Agency and Area, as appropriate, shall institute and supervise an assessment program for its schools in order to provide for the objective assessment of student academic performance. Required formal tests shall be administered annually to all regular program students in grades 4, 8, and 12. (The testing of special education and gifted/talented students shall be in accordance with respective regulations.) If required by state certification standards, schools may use the state mandated academic achievement tests and accompanying requirements. These formal tests and their subtest contents, as well as the test-related procedures, shall include, but not be limited to, the following:
3. §36.42(a)(1) - Each Spring, schools shall conduct testing for grades 4, 8, and 12 using a current version of a standardized academic achievement test based upon the national assessment standards designed to assess higher order thinking skills. All schools shall keep a current record, with the Office of Indian Education Programs, of the test the school administers each Spring and the testing dates.
4. §36.42(a)(2) - Schools shall use some form of performance-based or authentic assessment in addition to standardized achievement testing.
5. §36.42(a)(3) - Each school shall report the summative results of its assessment program to its respective Agency or Area, as appropriate, and its school board.
6. §36.42(a)(4) - Parents/guardians shall be informed of their children's assessment results and provided with an explanation and interpretation to ensure adequate understanding of the results.
7. §36.42(a)(5) - Each school's instructional program shall establish an ongoing student academic assessment program to ensure that defined assessment procedures are in place. The program shall include regular training in basic assessment procedures and routines for all teachers and other staff involved in student assessment.
8. §36.42(a)(6) - Each Agency and Area, as appropriate, shall report the results of each school's formal Spring tests to the Office of Indian Education Programs by August 1 of each year. Summative information from performance-based and authentic assessments shall be reported at the same time.
9. §36.42(b)(1) - The counseling program shall provide the following: Each school having a minimum school ADM of 200 students shall make provisions for the full-time professional services of a counselor, and each school enrolling fewer than 200 students shall make provisions for a part-time professional counselor.
10. §36.42(b)(2) - The counseling program shall provide the following: The counselors shall be familiar with the unique tribal, social, and economic characteristics of students.
11. §36.42(b)(3)(i) - The counseling program shall contain the following: A written referral process
12. §36.42(b)(3)(ii) - The counseling program shall contain the following: Counseling techniques and documentation procedures to provide for the career, academic, social, and personal needs of the students which are based on the cultural beliefs and values of the students being served.

HES Initial Assessment Report

- 13. §36.42(b)(3)(iii) - The counseling program shall contain the following: Preventative and crisis counseling on both individual and group bases
- 14. §36.42(b)(3)(iv) - The counseling program shall contain the following: Confidentiality and security of counseling records for each student; and
- 15. §36.42(b)(3)(v) - The counseling program shall contain the following: Design and implementation of orientation programs to facilitate the pupil's transition from elementary to junior high/middle school and from junior high/middle school to high school.
- 16. §36.42(b)(3)(vi) - The counseling program shall contain the following: Each junior or middle school and high school student shall receive academic counseling a minimum of twice yearly during which time the counselor shall assist the student in developing a written academic and career plan based on ability, aptitude, and interests.
- 17. §36.42(b)(3)(vii) - The counseling program shall contain the following: Each high school counseling program shall be required to have on file for each student a planned academic program of studies which is available from the regular course offerings of the school to meet the student's career objectives, and which will show that the student has received counseling.

Legal Citation: §36.42

Each school shall offer student counseling services concerned with physical, social, emotional, intellectual, and vocational growth for each individual. Counseling services shall be included in a school-wide assessment program.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: A school counselor started in November 2023. The school counselor is offering counseling services to support the physical, social, emotional, intellectual, and vocational growth for everyone. The school counselor has provided classroom coverage due to staffing shortages since she started at HES. This directly impacts her ability to support the school wide assessment program and counseling services, outlined under this requirement. The School Counselor was unaware the requirement existed until the onsite visit in January 2024. Beginning in January 2024, the School Counselor began offering a Social Emotional Learning (SEL) Group as a special once a week to each class. The School Counselor reports spending her time offering one-on-one services to support student IEPs, providing academic counseling to 7th and 8th graders to support their graduation goals, coordinating 8th grade graduation, working closely with I.H.S. to support the tele-behavioral health program, and is being trained to support the school's school-wide assessment program and will be certified the school's test coordinator. The School Counselor hopes to continue to build out the school's counseling program and to support these requirements for counseling services.

Legal Citation: §36.42(a)

(a) Each Agency and Area, as appropriate, shall institute and supervise an assessment program for its schools in order to provide for the objective assessment of student academic performance. Required formal tests shall be administered annually to all regular program students in grades 4, 8, and 12. (The testing of special education and gifted/talented students shall be in accordance with respective regulations.) If required by state certification standards, schools may use the state mandated academic achievement tests and accompanying requirements. These formal tests and their subtest contents, as well as the test-related procedures, shall include, but not be limited to, the following:

- Requirement Met
- Non-Compliance

HES Initial Assessment Report

Not Applicable

Finding: HES' school wide assessment program is not fully implemented or followed. Integrated content and assessments ensure broad access to accurate and timely student and school level information which is used for educational decision making. The use of this information also provides high quality technical assistance and professional development to school and department personnel. This also ensures that policies, procedures, and decisions support a high performing and accountable education system. Every Student Succeeds Act (ESSA) requires that each Agency (State) Plan implement a set of high-quality student academic assessments in Math, Reading or English Language Arts, Science and Alternate.

Per BIE Requirements, HES is responsible to test in the following grade spans for each assessment:

- Math: Grades 3-8 and 11: Vendor - Pearson
- Reading or English Language Arts: Grades 3-8 and 11: Vendor - Pearson
- Science: Grades 4,7 and 10: Vendor - Unique Design Professional Solutions, Inc./Cognia
- Alternate: As specified in a student's Individual Education Plan (IEP): Vendor -Unique Design Professional Solutions, Inc./Cognia
- English Language Proficiency for English Language Learners: Vendor University of Wisconsin (WIDA)

HES does some of this but not all of this. HES is working to build out their instruction programming and assessments/testing. As a result, HES is not fully using key academic data to inform instructional decisions. HES does not have written formal test procedures to inform testing, including the role of proctors and ratios for student to proctors. HES intends to have the School Counselor serve as the Testing Coordinator and she was going through the certification process.

HES is not assessing students in alignment with their school schedule, and this directly impacts the school's ability to effectively inform instruction and to ensure HES is fully meeting the needs of its students. HES is required to minimally conduct formative and summative testing.

The Formative Assessments offer key baseline data that staff can use to make decisions for lesson plans, differentiation, grouping and forming decisions for how to deliver instruction to meet student needs. This formative, short-cycle baseline diagnostic testing for the 23-24SY was scheduled to occur in August 2024, during the first week students were back from summer vacation. This testing did not occur. The school reported that their software licenses for IReady expired, and the school had to procure the licenses and software. IReady testing was completed in November 2023, three months into the school year. The second IReady testing was completed in mid-January. Testing for Math and ELA occurred for these two testing dates. No testing for Science or English Language Proficiency.

The Summative Assessments test includes an Interim & Final Test. The summative test focuses on testing for measuring mastery of objectives or outcomes and academic achievement. These tests are administered twice during the school year, in the fall and spring. (either State or BIE Pearson online testing). In December 2023 – HES administered the BIE Interim Summative Testing for grades 3, 4, 7 & 8, but HES did not test grades 5 & 6. The final summative is scheduled to occur in April 2024.

Legal Citation: §36.42(a)(1)

(a)(1) Each Spring, schools shall conduct testing for grades 4, 8, and 12 using a current version of a standardized academic achievement test based upon the national assessment standards designed to assess higher order thinking skills. All schools shall keep a current record, with the Office of Indian Education Programs, of the test the school administers each Spring and the testing dates

HES Initial Assessment Report

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The final summative is scheduled to occur in April 2024.

Legal Citation: §36.42(a)(2)

(a)(2) Schools shall use some form of performance-based or authentic assessment in addition to standardized achievement testing.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: IReady testing was completed in November 2023. This was three months into the school year. The second IReady testing was completed in mid-January. Testing for Math and ELA occurred for these two testing dates. There was no testing for Science or English Language Proficiency. In May 2023, a reading expert conducted one-on-one performance-based reading assessments with all children in Grades K-8. This data has been used to design targeted reading instruction to improve reading proficiency of all students. A follow-up reading performance-based assessment is planned for May 2024 to gauge progress.

Legal Citation: §36.42(a)(3)

(a)(3) Each school shall report the summative results of its assessment program to its respective Agency or Area, as appropriate, and its school board.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not have a school board. HES has not reported the summative results of its assessment program as it has not occurred. HES plans to conduct summative testing in the 23-24 SY.

Legal Citation: §36.42(a)(4)

(a)(4) Parents/guardians shall be informed of their children's assessment results and provided with an explanation and interpretation to ensure adequate understanding of the results.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES did not report out the findings of the school's summative results at the end of the 22-23 SY. For 23-24 SY, HES has not reported the summative results of its assessment program to parents/guardians as it has not occurred. HES plans to conduct summative testing in the 23-24 SY.

Legal Citation: §36.42(a)(5)

(a)(5) Each school's instructional program shall establish an ongoing student academic assessment program to ensure that defined assessment procedures are in place. The program shall include regular training in basic assessment procedures and routines for all teachers and other staff involved in student assessment.

- Requirement Met

HES Initial Assessment Report

- Non-Compliance
- Not Applicable

Finding: HES' instruction program does not have established assessment procedures yet. The new School Counselor is being certified as the school's testing coordinator. A coach provided face-to-face assessment training to gauge student progress and determine needs during August 2023 back to school training. Assessment Training Conducted Fall 2023 for conducting the BIE Interim and Summative Assessments during the 2023-2024 school year. Staff continue to be trained on IReady and other testing procedures and assessments.

Legal Citation: §36.42(a)(6)

(a)(6) Each Agency and Area, as appropriate, shall report the results of each school's formal Spring tests to the Office of Indian Education Programs by August 1 of each year. Summative information from performance-based and authentic assessments shall be reported at the same time.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES has not reported the summative results of its assessment program as it has not occurred. HES plans to conduct summative testing in the 23-24 SY.

Legal Citation: §36.42(b)(1)

(b) Each counseling program shall provide the following:
(1) Each school having a minimum school ADM of 200 students shall make provisions for the full-time professional services of a counselor, and each school enrolling fewer than 200 students shall make provisions for a part-time professional counselor.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES hired a full-time school counselor in November 2023.

Legal Citation: §36.42(b)(2)

(b) Each counseling program shall provide the following:
(2) The counselors shall be familiar with the unique tribal, social, and economic characteristics of students.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The school counselor is working to become familiar with the unique Tribal, social and economic characteristics of the students and their families. The school counselor has worked in Tribal communities in the past and comes with that direct experience. She is being thoughtful and deliberate about how to build relationships and how to learn more about the Tribe and its community members. For example, she hopes to volunteer in the community and participate in local community events to better meet locals.

Legal Citation: §36.42(b)(3)(i)

HES Initial Assessment Report

- (b) Each counseling program shall provide the following:**
 - (3) The counseling program shall contain the following:**
 - (i) A written referral procedure.**

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The HES has an informal process for referring the student to see the counselor. HES has not adopted a formal written referral procedure.

Legal Citation: §36.42(b)(3)(ii)

- (b) Each counseling program shall provide the following:**
 - (3) The counseling program shall contain the following:**
 - (ii) Counseling techniques and documentation procedures to provide for the career, academic, social, and personal needs of the students which are based on the cultural beliefs and values of the students being served;**

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This requirement is being partially met at HES. The school's counselor is new to the school, starting in November 2023. The School Counselor is working to fulfill this requirement. She has begun meeting regularly with 8th grade students to discuss their academic goals after they graduate from HES. HES grades end at grade 8. For HES students to continue to high school, they have to leave Supai and the Grand Canyon. This is a big transition. The school counselor has been working with the ADD-BOS Student Behavioral Health Program Specialist and the Residential Specialist to schedule meetings with the BIE, Off-Reservation Boarding Schools. This will provide an opportunity for students and parents to learn more about the different schools, to ask questions, and begin to consider their next steps after graduation.

Legal Citation: §36.42(b)(3)(iii)

- (b) Each counseling program shall provide the following:**
 - (3) The counseling program shall contain the following:**
 - (iii) Preventative and crisis counseling on both individual and group bases;**

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The School Counselor started in November 2023. She has focused on building relationship with students. Preventative SEL Group classes are taught 45 minutes each week to each class and that is build into the Master Schedule. The school counselor meets with 7th & 8th graders either individual or in a group session, based on the student's personal preference. This happens 1x a week. The School Counselor meets one-on-one with students, who are referred by the Teacher, on a case-by-case basis, and in some instances, students come to see the School Counselor on their own. School Counselor is developing her roster of students – see them for 12 weeks. The School Counselor also provides counseling services to students with an IEP. School Counselor has not had to do crisis counseling, since she began.

Legal Citation: §36.42(b)(3)(iv)

- (b) Each counseling program shall provide the following:**
 - (3) The counseling program shall contain the following:**
 - (iv) Confidentiality and security of counseling records for each student; and**

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This requirement is being partially met at HES. The School Counselor has file for her files, but it is not a locked file cabinet. The room is under lock and key when the School Counselor is not there. The room does not allow the School Counselor full confidentiality as students and staff can come in and out. The school counselor is planning to move into a more private office that will provide her with private space. The school counselor also needs access to NASIS.

Legal Citation: §36.42(b)(3)(v)

- (b) Each counseling program shall provide the following:**
 - (3) The counseling program shall contain the following:**
 - (v) Design and implementation of orientation programs to facilitate the pupil's transition from elementary to junior high/middle school and from junior high/middle school to high school.**

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This requirement is being partially met at HES. HES has not designed or implemented an orientation program to facilitate student's transition from elementary to junior high/middle school and from junior high/middle school to high school. The HES school counselor started in November 2023 and started in Supai at HES in December 2023. In January 2024, she started working with the HES 7th and 8th grade students to meet this requirement. She has begun meeting with student to discuss their academic goals after HES and to prepare them to transition to another school, outside of Supai, after graduating from HES. This is an area that is being developed by the Schol Counselor.

Legal Citation: §36.42(b)(3)(vi)

- (b) Each counseling program shall provide the following:**
 - (3) The counseling program shall contain the following:**
 - (v) Each junior or middle school and high school student shall receive academic counseling a minimum of twice yearly during which time the counselor shall assist the student in developing a written academic and career plan based on ability, aptitude, and interests. Additionally, counselors will assist high school students in selecting courses which satisfy the school's and the state's graduation requirements and the student's academic and career plan. Further, seniors will be given aid in completing registration and/or financial assistance applications for either vocational or academic post-secondary institutions.**

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The HES school counselor started in November 2023 and started in Supai at HES in December 2023. Middle School students have not received academic counseling a minimum of twice yearly

HES Initial Assessment Report

during which time the counselor shall assist the student in developing a written academic and career plan based on ability, aptitude, and interests.

Legal Citation: §36.42(b)(3)(vii)

(b) Each counseling program shall provide the following:

(3) The counseling program shall contain the following:

(vi) Each high school counseling program shall be required to have on file for each student a planned academic program of studies which is available from the regular course offerings of the school to meet the student's career objectives, and which will show that the student has received counseling.

Requirement Met

Non-Compliance

Not Applicable

Finding: This requirement is not applicable as HES is a K-8 school and does not operate a high school program.

25 CFR § 36.43 Standard XVI – Student Activities

25 CFR § 36.43, Standard XVI – Student Activities falls under Subpart E – Instructional Support. There are ten (10) core requirements assessed under § 36.43. The initial assessment determined, 1/10 requirements are met, 5/10 requirements are non-compliant, and 4/10 are not applicable. The initial assessment determined HES is at a 16.67% compliance rate for this regulation.

The 10 core requirements assessed under § 36.43 include:

1. §36.43 - All schools shall provide and maintain a well-balanced student activities program based on assessment of both student and program needs.
2. §36.43(a) - All student activities shall be required to have qualified sponsors and be approved by the school supervisor, and the school board shall approve the overall activity plan.
3. §36.43(b) - A plan of student activity operations shall be submitted, by each activity at the beginning of each school year, to the school supervisor. The plan will include the purpose, structure, coordination, and planned types of fund-raising activities.
4. §36.43(c) - School may participate in interscholastic sports and activities on an informal or formal basis.
5. §36.43(d) - Until comparable competitive opportunities are provided to all students, regardless of sex, no student shall be barred from participation in interscholastic competition in noncontact sports except on the basis of individual merit.
6. §36.43(e) - Residential schools shall plan and provide an intramural program for all students. The program shall include a variety of scholastic and sport activities.
7. §36.43(f) - Students shall be involved only in activities which are sanctioned by the school.
8. §36.43(g) - All student activities involved only in fund raising are required to establish a school/student activity bank account following school/student banking procedures outlined under 25 CFR 31.7. All student activity accounts shall be audited annually.
9. §36.43(h) - The school shall provide for the safety and welfare of students participating in school-sponsored activities.
10. §36.43(i) - Each sponsor of a student activity will be given orientation and training covering the responsibilities of a sponsor by the school supervisor.

Legal Citation: §36.43

All schools shall provide and maintain a well-balanced student activities program based on assessment of both student and program needs. Each activity program shall help develop leadership abilities and provide opportunities for student participation but not be limited to activities that include special interest clubs, physical activities, student government, and cultural affairs. The activity program shall be an integral part of the overall educational program.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not provide and maintain a well-balance student activities program. There are no student government groups, special interest clubs, or physical activity programs. In the past, HES approved stipend programs for a gardening coordinator, cultural events coordinator, and after school tutoring. But since the start of the 23-24 SY, the school has not offered these opportunities. HES does not assess student and program needs to inform this requirement. HES is working with staff to establish several stipend programs for the remainder of the 23-24SY. This activity was discussed during the on-site visit in January 2024. The stipend program is being developed and built on the skills and interests of staff. It is not being built on data that supports student interests and needs.

HES Initial Assessment Report

Legal Citation: §36.43(a)

(a) All student activities shall be required to have qualified sponsors and be approved by the school supervisor, and the school board shall approve the overall activity plan. A qualified sponsor is a professional staff member of the school that is given responsibility to provide guidance or supervision for student activities.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not have an active school board. HES does not provide and maintain a well-balance student activities program. There have been no consistent student government groups, special interest clubs, or physical activity programs at HES. HES has offered approved stipends at HES for a gardening coordinator, cultural events coordinator, and after school tutoring. Since start of school 2022, the school carried out numerous school-wide student/family events such as family game nights, out-of-canyon field trips, “Busload of Books”, etc. HES is working on implementing stipend programs for the 23-24 SY to offer students after-school activities, which will be approved by the Principal and EPA. The activities will be run by school staff and teachers – who are qualified sponsors.

Legal Citation: §36.43(b)

(b) A plan of student activity operations shall be submitted, by each activity at the beginning of each school year, to the school supervisor. The plan will include the purpose, structure, coordination, and planned types of fund-raising activities.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: A plan of student activity operations was not submitted at the beginning of the school year. HES did build and pencil in the targeted trips for the school year into the school calendar and schedule before the beginning of the school year. HES is not offering student activities by qualified sponsors yet. As of January 2024, HES is working on standing up its stipend programs and several staff were preparing a plan for running after school programs for the students. HES has, in the past offered approved stipends which included a gardening coordinator, cultural events coordinator, and after school tutoring. HES is working on implementing stipend programs for the 23-24 SY to offer students after-school activities, which will be approved by the Principal and EPA. The activities will be run by school staff and teachers – who are qualified sponsors. Each stipend program/activity will include the purpose, structure, coordination, and planned types of fund-raising activities, if applicable.

Legal Citation: §36.43(c)

(c) School may participate in interscholastic sports and activities on an informal or formal basis. On an informal basis, the Bureau-operated schools will coordinate with other schools in setting up a schedule of sports and games. Schools that participate in state-recognized leagues will abide by those state rules regulating inter-school competition.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: Not applicable to HES, as the school does not participate in interscholastic sports. No access to state programs because of remote location of the school. No transportation out of the canyon for state

HES Initial Assessment Report

leagues. This requirement is outlined as an option for the school. This is an area of opportunity for HES to consider and examine moving forward.

Legal Citation: §36.43(d)

(d) Until comparable competitive opportunities are provided to all students, regardless of sex, no student shall be barred from participation in interscholastic competition in noncontact sports except on the basis of individual merit.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This is not applicable to HES at this time. HES does not interscholastic sports or competitive opportunities.

Legal Citation: §36.43(e)

(e) Residential schools shall plan and provide an intramural program for all students. The program shall include a variety of scholastic and sport activities.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This is not applicable to HES as HES does not operate a residential program.

Legal Citation: 36.43(f)

(f) Students shall be involved only in activities which are sanctioned by the school.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: Currently, there are limited activities sanctioned by the school. HES does not offer after-school programming, stipend programs, interscholastic sports, etc. The school does sponsor field trips throughout the 23-24SY.

Legal Citation: §36.43(g)

(g) All student activities involved only in fund raising are required to establish a school/student activity bank account following school/student banking procedures outlined under 25 CFR 31.7. All student activity accounts shall be audited annually.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: Not applicable at this time, given that there are no student activity programs involved in fund raising and there are no accounts to audit. (Dependency is Student Activity Program involved in fund raising).

Legal Citation: §36.43(h)

(h) The school shall provide for the safety and welfare of students participating in school-sponsored activities.

HES Initial Assessment Report

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES does not have standard operating procedures to guide the protocols for school-sponsored activities, like for example, field trips. No orientation or training is provided before attending a school sponsored activity like the field trip. There are no clear protocols or procedures for overnight trips (staff to student ratio standards, lodging rules, and other rules to guide overnights trips).

Legal Citation: §36.43(i)

(i) Each sponsor of a student activity will be given orientation and training covering the responsibilities of a sponsor by the school supervisor.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: Staff report that they did not receive orientation or training when sponsoring a school sponsored activity like a field trip. There are no clear protocols or procedures for overnight trips (staff to student ratio standards, lodging rules, and other rules to guide overnights trips).

25 CFR § 36.50 Standard XVII – School Program evaluation and needs assessment.

25 CFR § 36.50, Standard XVII – School Program evaluation and needs assessment falls under Subpart F – Evaluation of Educational Standards. There are three core requirements assessed under § 36.50. The initial assessment determined, 3/3 requirements are met, and HES is at a 100% compliance rate for this regulation.

The three core requirements assessed under § 36.50 include:

Legal Citation: § 36.50

Each school shall complete a formal, formative evaluation at least once every seven (7) years beginning no later than the second complete school year following the effective dates of this part. Schools shall follow state and/or regional accreditation, or accreditation requirements equal to the state in which a school is located. Each school shall follow the prescribed evaluation cycle. The primary purpose of this evaluation will be to determine the effects and qualify of school programs and to improve the operations and services of the school program.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES completed a formal, formative evaluation by Cognia during the 22-23 School Year for accreditation and received accreditation.

Legal Citation: § 36.50(a)(1-20)

(a) Each school's evaluation design or model will provide objective and quantitative analysis of each area to be evaluated. The analysis shall include product and process evaluation methods.

The areas to be reviewed will include, but not be limited to, the following:

- (1) School philosophy and objectives.**
- (2) Administrative and organizational requirements.**
- (3) Program planning and implementation.**
- (4) Curriculum development and instruction.**
- (5) Primary education.**
- (6) Program of studies for elementary, junior high/middle, and high schools.**
- (7) Grading requirements.**
- (8) Promotion requirements.**
- (9) High school graduation requirements.**
- (10) Library/media.**
- (11) Textbooks and other instructional materials.**
- (12) Counseling services.**
- (13) Medical and health services.**
- (14) Student activities.**
- (15) Transportation services.**
- (16) Staff certification and performance.**
- (17) Facilities (school plant).**
- (18) Parent and community concerns.**
- (19) School procedures and policies.**

HES Initial Assessment Report

(20) School board operations.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES completed a formal, formative evaluation by Cognia during the 22-23 School Year for accreditation and received accreditation. All these areas were assessed during the accreditation process.

Legal Citation: § 36.50(b)

(b) The Director, within six (6) months from the effective date of this part, shall distribute to each school, Agency, or Areas appropriate, a standardized needs assessment and evaluation instrument with guidelines for developing and applying a locally appropriate evaluation model for carrying out the requirements of this standard.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: Annually, HES and all BIE-funded schools complete the BIE One Plan which includes a Comprehensive Needs Assessment, the SMART goals, and the Program Plan. The One Plan is reviewed by BIE leadership for school improvement activities

25 CFR § 36.51 Standard XVIII – Office of Indian Education Programs and Agency Monitoring and Evaluation Responsibilities

25 CFR § 36.51, Standard XVIII – Office of Indian Education Programs and Agency Monitoring and Evaluation Responsibilities falls under Subpart F - Evaluation of Educational Standards. There are five (5) core requirements assessed under § 36.51. The initial assessment determined, 1/5 requirements are met, and 3/5 requirements are non-compliant and 1/5 are not applicable. The initial assessment determined HES is at a 20% compliance rate for this regulation.

The five core requirements assessed under § 36.51 include:

Legal Citation: §36.51(a)

(a) The Office of Indian Education Programs shall monitor and evaluate the conformance of each Agency or Area, as appropriate, and its schools with the requirements of this part. In addition, it shall annually conduct onsite monitoring at one-third of the Agencies and Areas, thereby monitoring onsite each Agency and/or Area at least once every three (3) years. Within 45 days of the onsite visits, the Director shall issue to each Agency Superintendent for Education or Area Education Programs Administrator, as appropriate, a written report summarizing the monitoring findings and ordering, as necessary, required actions to correct noted deficiencies.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The Director’s Office has not monitored and evaluated the conformance of the Education Resource Center and its schools within the requirement of this part, fully. The BIE, Director’s office directs the completion of a variety of monitoring and evaluations, including ISEP reviews, and programmatic and fiscal monitoring. ISEP reviews target school counts for funding verification and distribution purposes while the programmatic and fiscal monitoring assesses high risk areas. Currently, there does not appear to be an evaluation and monitoring process in place that reviews, monitors, and assesses all the subparts of 25 C.F.R. Part 36, as outlined under this requirement at HES.

Legal Citation: §36.51(b)

(b) Each Agency or Area, as appropriate, in conjunction with its school board shall monitor and evaluate the conformance of its school with the requirements of this part through an annual onsite evaluation involving one-third of the schools annually, thereby monitoring onsite each school at least once every three (3) years. Within 30 days of the onsite visit, the Agency Superintendent for Education or Area Education Programs Administrator, as appropriate, shall issue to the local school supervisor and local school board a written report summarizing the findings and ordering, as necessary, required actions to correct noted deficiencies.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: There is no active School Board at HES. The ERC conducts ISEP reviews at HES through annual onsite visits. However, ISEP is associated with 25 CFR Part 39; not 25 CFR Part 36. Further, the purpose of ISEP reviews are not programmatic reviews, and do not assess the requirements of Part 36.

HES Initial Assessment Report

Legal Citation: §36.51(c)

(c) Schools, Agencies, and Areas shall keep such records and submit to the responsible official or designee accurate reports at such times, in such form, and containing such information as determined by that official to be necessary to ascertain conformance with the requirements of this part.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: This requirement is not applicable. The requirements outlined in (a) & (b) need to be met for (c) to apply. (a) & (b) are dependency of this requirement. There is no report to ascertain conformance with the requirements of Part 36.

Legal Citation: §36.51(d)

(d) Schools, Agencies, and Areas shall permit access for examination purposes by the responsible official, or any duly authorized designee, to any school records and other sources of information which are related or pertinent to the requirements of this part.

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: HES made their records available for examination purposes. NASIS is one of the systems of records for BIE, and examiners have access. During the onsite visit, HES provided the reviewers with access to student files, and other key evaluative documentation.

Legal Citation: §36.51(e)

(e) The Office of Indian Education Programs, Agency Superintendent for Education, or Area Education Programs Administrator, as appropriate, shall annually conduct a summative evaluation to assess the degree to which each Bureau educational policy and administrative procedure assists or hinders schools in complying with the requirements of this part. This will include, but not be limited to, the following actions:

- (1) Evaluate current policies and practices not related to this part and the effects thereof on the amount of time and resources required which otherwise would be available for these standards;**
- (2) Modify any policies and practices which interfere with or compromise a school's capability to achieve and maintain these standards;**
- (3) Invite non-Federal agencies to evaluate the effects current policies and procedures have had on complying with the requirements of this part; and**
- (4) Submit annually to the Director a copy of the summative evaluation.**

- Requirement Met
- Non-Compliance
- Not Applicable

Finding: The Associate Deputy Director – Office of Indian Services and the Education Resource Center has not conducted a summative evaluation to assess the degree to which BIE’s educational policy and administrative procedure assists or hinders schools in complying with the requirements of Part 36. This includes all sections of this requirement (1-4).