

# ASSESSMENTS SUBCOMMITTEE

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Bureau of Indian Education  
Negotiated Rulemaking Committee -  
Standards, Assessments & Accountability System

# Sub Committee Findings

- Discussed the questions that were generated by the Assessment Subcommittee's prep work.
- Decided that the initial side-by-side draft regulations (work document) were over-simplified.
- Switched to the 4x4 version Assessment Subcommittee Task 2 Section 1111 Assessments consolidated 102518 - Clarifications need to be made
- Major issues
  - Eliminate State Plan references (eliminate confusion)
  - Name BIE as the SEA
  - Clarified "partially delivered" RE portfolios
  - More discussion on Assessments on the Language – Does this mean Native Language?
  - More discussion of Leslie Harper's insertion Section 2(B)(ix)
  - N-Size – Should go in the Accountability section
  - Keep exemption for 8<sup>th</sup> grade Advanced Mathematics



# Subcommittee Findings con't

- The Local Cap – needs further discussion (LEA or school)
- State Authority – Does this apply to BIE?
- Language Assessments – needs further discussion – the State can request assistance from the Secretary of Education
- How does Locally Selected Assessments apply to the BIE?



# Tasks from Billings Meeting

*Task 1:* Review the 'side-by-side' of the draft regulations related to Assessments and identify concerns, questions, pros/cons, identify where technical experts/assistance is needed.

Product: Share findings, and proposals for draft regulations regarding standards with the Committee.

*Task 2:* Review Section 1111 related to Assessments and identify concerns, questions, pros/cons, where technical experts/assistance needed.

Product: Share findings with the Committee.

# Section 1111 (b)(2) Clarifications Required from BIE

1. Should references to “State” or “SEA” be interpreted as “BIE”?; When is a Tribe an LEA or SEA?
2. How do Tribally-controlled schools fit into the regulations?
3. Section 2(B)(vi) - ‘partially’ delivered. Is partially defined in ESSA?
4. Section 2D(ii)II - Prohibition on the local cap – Is there a regulation that needs to be written to clarify what is needed for justifying the need to exceed the cap? Need to make sure that there is not a non-response situation. Is it clear how to apply for a waiver for a cap?
5. 2(E) State Authority. Does this section apply to BIE? What does this section mean?
6. Section 2F(i) Language Assessments. What is the State in this case? What does ‘present to a significant extent’ mean?
7. Section 2(I) Deferral. How does this apply to BIE?
8. Section 2(L) Limitation on Assessment Time. Who determines the time limits for assessments is it the LEA, or BIE? What does “expressed as a percentage of annual instructional hours” mean ?
9. Section 3. Exception for English Learners. How many ELs are in the BIE student population?

# Section 1111 (b)(2)

## **Additional Information Needed Regarding:**

1. Section 2(B) (xi) Requirements. N-size is critical, how do we write the rule that allows for N size that is meaningful.
2. Section 2(F) Language Assessments. Possible technical assistance from Dept. of Education on how to create assessments, and their requirements for assessments. Are there existing models perhaps at Tribal colleges?
3. Section 2(K) Rule of Construction. How does the opt out option of parents impact the participation rate requirements in the accountability section requiring 95% participation?

# Section 1111 (b)(2) Initial Ideas to Link to the Side-by-Side Regulations

Under subcommittee discussion:

1. Section 2(B) (ix) add [to regulations] : *“Students who are attending schools in a Native American language or program”* (i.e., immersion school). Helps align with civil rights aspect of ESSA. Something similar is in ESSA ED Regs 200.6 includes a definition of Native Language or immersion programs.
2. Section 2(F) Language Assessments - How do we consider Native languages? Also civil rights assurance that Native languages are attended to.
3. Section 2(H) Locally Selected Assessments. Is there enough information for an LEA to implement this option? What LEA assessments are currently being used?