

# WAIVERS SUBCOMMITTEE

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

# Tasks from Billings Meeting

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

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

*Task 2:* Review Section 1111 [8204(c)] related to Waivers and Technical Assistance and identify concerns, questions, pros/cons, where technical experts/assistance needed.

Product: Share findings with the Committee.

# Clarifications Required from BIE

## Draft Language

**§30.107. May a tribal governing body or school board waive the Secretary's definition of standards, assessments, and accountability system?**

## Question

- Who gives the authority to request a waiver? Is it individual to each tribe?
- Meaning of 'tribal governing body or school board'

# Subcommittee Ideas/Comments

## Draft Language

**§30.108. How does a tribal governing body or school board waive the Secretary's definitions?**

## Comments

- Include in the regulations a sequence e.g., DOI, then ED, or simultaneous and/or specify a timeframe for: federal receipt, time of review and response.
- Extend the 60-day timeframe so that the tribe has sufficient time to develop its proposal.
- Add language on what the Tribe can implement during the review process.
- Insert the how the waiver is submitted. Via tribal resolution, formal letter, how?

# Subcommittee Ideas/Comments

## Draft Language

**§30.109. What should a tribal governing body or school board include in a waiver and alternative proposal?**

## Comment

- Who is responsible for the Waiver Template, BIE or ED?
- Add the template and waiver checklist to the regulations.
- Demonstrate engagement with stakeholders such as governing boards, school boards, advisory boards etc.

# Subcommittee Ideas/Comments

## Draft Language

**§30.111. Will the Secretary provide technical assistance to tribal governing bodies or school boards seeking a waiver?**

## Comment

- Technical Assistance is a trust responsibility.
- What is Technical Assistance is it for a seeking a Waiver and/or for preparing alternative proposed definition?
- Should be provided by BIE, directly or through contract.
- An annual allocation for such technical assistance should be provided and published in the BIE budget.

# Subcommittee Ideas/Comments

## Draft Language

**§30.112. What is the process for requesting technical assistance?**

## Comment

- Letter for TA
- Add to paragraph b *'and a point of contact and a timeline to work out arrangements and what is needed'*

# Subcommittee Ideas/Comments

## Draft Language

**§30.114. How does the Secretary review and approve an alternative definition?**

## Comment

- Include in the regulations a sequence e.g., DOI, then ED, or simultaneous and/or specify a timeframe for: federal receipt, time of review and response.
- Include a provision for a tribe to move forward with its process if no decision from BIE or ED is provided within the stated timeframe.