

Standards Subcommittee: Review of Section 1111 Section b(1) on Standards

The subcommittee reviewed each of the subsections in Section 1111 under b(1) on Standards and identified the following comments and questions. Text in red are items to link to the draft regulations. Topics where expert advice may be needed are noted in the far-right hand column.

Note: During its October 31, 2018 meeting the Subcommittee consolidated its edits and questions from this document into the ‘side-by-side’ document. Refer to that document for more current information.

**Definitions – Ensure to review Section 30.101 for definitions.

Element in Section 1111 Standards(b)(1)	Comments/Concerns/ Questions	Expert input?
<p>A. In General Each State, in the plan it files under subsection (a), shall provide an assurance that the State has adopted challenging academic content standards and aligned academic achievement standards (referred to in this Act as “challenging State academic standards”), which achievement standards shall include not less than 3 levels of achievement, that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.</p>	<p>Jennifer: reference to State, BIE adopting these standards is confusing. Draft regs say BIE will follow state stnds. Needs to be clarified what we are required by the act. <i>(See page 8 of side-by side references ‘state’ (under §30.103. (d). Need to clarify how this relates to BIE standards.)</i></p> <p>Sherry – is the BIE seen as a state and adopt those standards? Need clarity. Links to assessments and accountability.</p> <p>Mike: agree. And state can mean BIE and once a school is tribally controlled reads ‘state’ means tribally controlled schools.</p> <p>Jeff: In law, everything is built around state. When BIE reads it is a ‘state’. BIE must comply w all standards. When read ‘state’/SEA think BIE.</p>	<p>Brian Q: Interpretation of state, as well as ‘national, regional, tribal basis’ in the draft side-by-side.</p> <p><i><u>Is this threshold of assurance the same as what will be expected in the waiver process?</u></i></p> <p>The Act requires the Secretary to provide an assurance that the BIE has adopted challenging academic standards consistent with Section 1111 of the Act for schools on a national, regional, or tribal basis as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools, using regulations developed through a negotiated rule making process.</p>

	<p>What does last sentence mean: “A state shall not be required to submit such challenging State academic standards to the Secretary.”?</p>	<p>Below represents a start to revising the role of the Secretary in this part – we will need to get input from the whole committee or be able to reference later regulations as they become final.</p> <p>A tribal governing body or school board may waive these requirements, in part or in whole, and submit a plan that meets the requirements of Section 1111 within 60 days which the Secretary of Interior and Education shall concur with unless it is determined that the plan does not meet the requirements of Section 1111 taking into account the unique circumstances and needs of school(s) and their students.</p>
<p>B. Same Standards.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall—</p> <p>(i) apply to all public schools and public school students in the State; and</p> <p>(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.</p>	<p>Jennifer: (ii); refers to “<i>all public school students in the State</i>” Who’s public schools? Who’s standards are we meeting? Important to include in regs. our interpretation of S.1111 so that it is memorialized.</p> <p>Jeff: emphasis is on the ‘all’ so for BIE it means all BIE funded schools and their students.</p> <p>Mike: Need to define these terms so that we are clear about who we are talking about. Confusing to have a state refer to alt. standards but then have the ‘same’ standards.</p>	<p>Possible TA to ensure annotation is clear, correct. Important to lend clarity and legitimacy to the regulations.</p> <p>The Secretary will convene a committee of tribally selected representatives, including (INSERT LANGUAGE FROM NRMC) to define the standards to apply to all BIE-funded schools. These standards will apply to all schools in the BIE, except those who have submitted a waiver.</p>

	<p>Regina re subparagraph (ii) – Is this also relating to students transferring between schools?</p>	
<p>C. Subjects —The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.</p>	<p>Can you add more than one additional standard? A: Yes.</p> <p>Jennifer: Uniqueness of tribes and relationship with Fed Gov, it is our interest to include in our curriculum, things that are relevant for all Tribes– history, government, such as tribal civics. We know public schools don’t teach this. Needs to be required by tribal schools.</p> <p>Sherry: There should be standards for this using the <i>‘other subject’ as determined by the state.</i></p> <p>Mike: In regs, need to explore what we want as other subjects and being cognizant of the tribes may have different POV about teaching this. Some standards about Native history/governance. Leave open for tribes.</p> <p>Jeff: Challenge is making it tribal specific. There are curricula on Indian-Fed Trust relationship and Tribal Sovereignty. Would fit all BIE funded schools. Exciting idea. BIE can adopt another subject area (such as this).</p> <p>Regina: Look at Tribal Colleges for other standards that are culturally relevant.</p>	<p>Action item: Do some research on what other subjects States have added. Deb Sigman could do this.</p>

<p>D. Alignment — (i) IN GENERAL.—Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.</p> <p>(ii) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to authorize public institutions of higher education to determine the specific challenging State academic standards required under this paragraph.</p>	<p>Jennifer: reference to state. Know that standards must meet entrance requirement for credit bearing institutions. States are looking at these national. Can't say higher education in BIE bc it is other higher ed outside of BIE, similar with technical career standards. Need clarification what this means to BIE.</p> <p>Sherry: This will impact elementary students, esp for children in special ed. Share with parents what is required of students to go through system.</p> <p>Mike : Implications on elementary education, this section seems focused on high school . Agree w Jennifer. Need to think through how this may apply to tribal schools w/o K-12 with alt. standards when look at regs .</p> <p>Jennifer: K-12 programs do include ID of skills that are age appropriate.</p> <p>Jeff: Clarifying two questions: A) Are challenging academic standards aligned with High School or K-12? A: It is the full K-12 because standards are linked across the grades. Standards in K-5 have direct bearing on standards in HS. B) BIE doesn't have a higher ed system. How do we address this? Some suggest a simulated system, or use ACT, PARC that have a predictive outcome that aligns with college readiness. BIE must ensure students are college ready.</p>	<p>Action Item: Jeff research possible experts on college entrance requirements.</p>
--	--	---

<p>E. Alternate Academic Achievement Standards for Students with the most Significant Cognitive Disabilities --</p> <p>(i) IN GENERAL.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—</p> <p>(I) are aligned with the challenging State academic content standards under subparagraph (A);</p> <p>(II) promote access to the general education curriculum, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);</p> <p>(III) reflect professional judgment as to the highest possible standards achievable by such students;</p> <p>(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(3)) for each such student as the academic achievement standards that will be used for the student; and</p> <p>(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment, consistent with the purposes of Public Law 93–112, as in</p>	<p>Continue review here.</p> <p>Sherry: Section 504 of federal civil rights law is referenced (1973). Who determines the "highest possible standards achievable by such SCD students?"</p>	<p>The state...BIE.</p> <p>Mike: (ii is not complete)</p> <p>If the BIE chooses to have they may choose the criteria. Do we state, “they will”?</p> <p>Jennifer: The impact on which assessment is used by tribes that receive state funds.</p> <p>Tribes may waive the alternative assessment for SCD. Does the tribe have to provide an alternative assessment, if they do not choose the assessment provided by the BIE?</p>

<p>effect on July 22, 2014. (ii) PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.—A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children with disabilities that are not alternate academic achievement</p>		
<p>F. English Language Proficiency Standards Each State plan shall demonstrate that the State has adopted English language proficiency standards that— (i) are derived from the 4 recognized domains of speaking, listening, reading, and writing; (ii) address the different proficiency levels of English learners; and (iii) are aligned with the challenging</p>	<p>Sherry: What are the proficiency levels of English learners? Is this referring to 6 ELL levels? How will these standards tie into assessment and accountability? or do they? How will progress be monitored?</p>	<p>Mike: What is the impact on immersion schools? Sherry: Proficiency levels... Mike: Can this assessment be developed for Native language proficiency? Jennifer: Immersion school situations testing may have to be adapted to oral assessing and</p>

<p>State academic standards.</p>		<p>not reading and writing. There are so many differences in our languages. This reflects the unique needs of tribal schools.</p>
<p>G. Prohibitions— (i) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval. (ii) FEDERAL CONTROL.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.</p>		<p>Does this mean the BIE does not have to put the regulations to the Secretary for approval?</p> <p>Our understanding and intention needs to be clarified in a footnote.</p> <p>Change the word “shall” to “will”.</p>
<p>H. Existing Standards - Nothing in this part shall prohibit a State from revising, consistent with this section, any standards adopted under this part before or after the date of enactment of the Every Student Succeeds Act.</p>		<p>State...must be made clear. Standards can be changed.</p>