



**U.S. Department of the Interior**  
**Bureau of Indian Education**

Tribal Waiver

Resources

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CHIEF ACADEMIC OFFICE – 07.16.24

## Requesting Technical Assistance on the Alternative Requirements for Standards, Assessments, and Accountability System

A tribal governing body or school board may request technical assistance in writing at any time for the purpose of the development of alternative requirements for standards, assessments, and an accountability system in part or in whole, including assistance in understanding what options may be available to enhance the sovereignty in education and address the unique circumstances and needs of Bureau of Indian Education (BIE) funded schools and the students served as such schools.

A tribal governing body or school board is welcomed and encouraged to request technical assistance before formally notifying BIE and the U.S. Department of Education (ED) of its intention to waive the requirements established by the Secretary of the Interior in order to maximize the time available for technical assistance (25 C.F.R. § 30.118). Requests for technical assistance must be in writing and sent to the Director of the BIE and the ED's Assistant Secretary of the Office of Elementary and Secondary Education by (1) a resolution of the tribal governing body/school board or 2) a letter from the president/chairperson of the governing body or school board.

- Director, Bureau of Indian Education  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240  
Email address: [biecentraloffice@bie.edu](mailto:biecentraloffice@bie.edu)
- Deputy Assistant Secretary Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202  
Email address: [OESE.TitleI-A@ed.gov](mailto:OESE.TitleI-A@ed.gov)

Submit an email copy of the requests to:

- Chief Academic Officer, Bureau of Indian Education  
1001 Indian School Road, NW, Suite 150  
Albuquerque, NM 87104  
E-Mail: [biecao@bie.edu](mailto:biecao@bie.edu)
- US Department of Education Office of School Support and Accountability  
E-Mail: [OESE.TitleI-A@ed.gov](mailto:OESE.TitleI-A@ed.gov)

Request for technical assistance should:

- Identify specific technical assistance being requested in the development of alternate requirements for standards, assessments, and/or accountability system under BIE's regulations (25 CFR part 30)

## Checklist: Proposal for Alternative Requirements for Standards, Assessments, and Accountability System

A tribal governing body or school board waiving BIE's standards, assessments, or accountability system must first submit written notice to BIE and the U.S. Department of Education of its decision to waive BIE's requirements in part or in whole. 25 C.F.R. § 30.113(a). Then, within 60 days of that notice, the tribal governing body or school board must submit a proposal for alternate requirements. 25 C.F.R. § 30.113(b). Though BIE's regulations allow for submission of the proposal for alternate requirements up to 60 days after the notice, the tribal governing body or school board may submit both the notice and proposal for alternative requirements at the same time.

A proposal for alternate requirements must meet the following requirements:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | The proposal must clearly identify whether the tribal governing body or school board is waiving BIE's standards, assessments, and/or accountability system. If the proposal is waiving BIE's assessments, it must identify the assessments being waived (e.g., English Language Arts (ELA)/Math, Science, Alternate, and English Language Proficiency). If there is an assessment or assessments that is not being considered for a waiver, the letter should identify why the assessment(s) are not being waived.   |
| <input type="checkbox"/> | The proposal must identify the tribal governing body's or school board's proposed alternate requirements (i.e. the standards, assessments, and/or accountability system that will replace BIE's). The proposal must include an explanation of how the alternative proposal meets the requirements of ESEA sec. 1111, taking into consideration the unique circumstances and needs of the school and the students served at the school. 25 C.F.R. § 30.114. BIE will review the proposal to determine whether the alternate requirements meet the requirements of ESEA sec. 1111. |
| <input type="checkbox"/> | The waiver notice and proposal <b>must</b> come from a Tribal governing body or school board. 25 C.F.R. § 30.101. BIE will accept a resolution from a Tribal governing body or school board or a signed letter from the Tribal governing body or school board president or chairperson.  |
| <input type="checkbox"/> | Indicate the school years in the proposal for alternate standards, assessments, and accountability. The BIE and US DOE may approve two-year waivers (for example: SY 2024-2025 and SY 2025-2026).  |
| <input type="checkbox"/> | If proposing to use the State's standards and assessments, provide evidence of an agreement with the State providing the assessments. This evidence may include a letter from the State superintendent or other authorized state official, a memorandum of understanding, a tribal compact, or a data sharing agreement.   |
| <input type="checkbox"/> | BIE-funded schools may not use Title I, A funds to administer assessments. Consequently, the school should either confirm that the assessments will be provided and administered at no cost or identify an alternative source of funding.  |

<input type="checkbox"/>	<p>Requests must be in writing to the Director of BIE and the Department of Education's Assistant Secretary of the Office of Elementary and Secondary Education:</p> <ul style="list-style-type: none"><li>▪ BIE Director Bureau of Indian Education U.S. Department of the Interior 1849 C Street, NW Washington, DC 20240 Email address: <a href="mailto:biecentraloffice@bie.edu">biecentraloffice@bie.edu</a></li><li>▪ Deputy Assistant Secretary Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary Office of Elementary and Secondary Education U.S. Department of Education 400 Maryland Ave, SW Washington, DC 20202 Email address: <a href="mailto:OESE.TitleI-A@ed.gov">OESE.TitleI-A@ed.gov</a></li></ul>
<input type="checkbox"/>	<p>Submit an email copy of the requests to:</p> <ul style="list-style-type: none"><li>▪ BIE Chief Academic Officer <a href="mailto:biecao@bie.edu">biecao@bie.edu</a></li><li>▪ US Department of Education Office of School Support and Accountability <a href="mailto:OESE.TitleI-A@ed.gov">OESE.TitleI-A@ed.gov</a></li></ul>

## SAMPLE LETTER

**(This letter combines the notice and proposal requirements identified above. The letter presents a common situation where a tribal governing body/school board is seeking to use a state's standards and assessments.)**

Tribal Governing Body Letterhead

Date

BIE Director  
Bureau of Indian Education  
U.S Department of the Interior  
1849 C. Street NW  
Washington, DC 20240

Deputy Assistant Secretary  
Delegated the Authority to Perform the Functions and Duties of the  
Assistant Secretary Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

Dear Leaders,

Pursuant to 25 C.F.R. § 30.113(a), the tribal governing body is providing notice to BIE that it is waiving portions of BIE's requirements for standards, assessments, and accountability system for the 2024-25 and 2025-26 school years. Specifically, the tribal governing body is waiving BIE's standards and assessments. For assessments, the tribal governing body is waiving BIE's English language arts, math, and science assessments, including BIE's alternate assessments in those subjects for students with the most significant cognitive disabilities who are unable to participate in general assessments even with accommodations. The tribal governing body is not waiving BIE's English language proficiency assessment because the state administers the same assessment as BIE. Further, the school will continue to use BIE's accountability system.

Additionally, with this letter, we are providing a proposal for alternative requirements that are consistent with section 1111 of the Elementary and Secondary Education Act. 25 C.F.R. § 30.113(c). The school will continue to teach the state's standards and participate in its assessment program. The state uses the following standards and assessments: [insert specific standards and assessments used]. We have an agreement with X State (see enclosed agreement) to take their assessments and have identified X funds (insert funding source) to pay for the state assessments. The school will provide the assessment data to BIE in a timely fashion.

As evidence that the proposed alternate standards and assessments meet ESEA section 1111's requirements, we offer that the standards and assessments have been reviewed and approved by the U.S. Department of Education through the state's ESEA state plan.

Sincerely,  
(Insert Tribal Governing Body President/Chairperson)

CC:  
U.S. Department of Education, Office of School Support and Accountability  
BIE Director  
Chief Academic Officer