

U.S. Department of Education Tribal Consultation

In accordance with the U.S. Department of Education's (Department) commitment to honor the government-to-government relationship between federally recognized tribes and to engage in regular and meaningful consultation and collaboration with Indian tribes and Indian education stakeholders, the Department plans to conduct a series of consultations in 2018.

The Department, in coordination with the Bureau of Indian Education (BIE) and the White House Initiative on American Indian and Alaska Native Education (WHIAIANE), cordially invites you to the following 2018 Tribal Consultation:

Onsite Tribal Consultation

Venue: Albuquerque Convention Center, Room TBD
(2018 Tribal Self-Governance Annual Conference)
401 2nd St NW, Albuquerque, NM 87102
**You need not register for the TSG Conference to attend the Consultation*

Date: April 22, 2018
Time: 9:00 am – 4:00 pm (MDT)

The Department seeks to engage tribes, tribal organizations and communities, Native youth and other stakeholders on topics related to BIE's role in overseeing and managing federal education programs funded by the U.S. Department of Education.

The Department anticipates forthcoming information regarding a separate virtual Tribal Consultation. In addition, the Department will provide information regarding accepting written comments at a later date.

Please see the attached supporting document. The Department is requesting feedback on the specific questions therein.

Please [CLICK HERE](#) ,or go to <http://events.constantcontact.com/register/event?llr=nmmow9yab&oeidk=a07ef6kitkd8dd17ed0> to register to attend the consultation in person or online. For more information, or if you have additional questions, please email Angeline Bouley, Project Manager for Tribal Tech, LLC at abouley@tribaltechllc.com or call 906-203-8847.

We strongly encourage Tribal Leaders to attend in person.

Tribal Tech, LLC is a contract service provider, specializing in the support of Indian education efforts and provides logistical and communications services for activities essential to the mission of the Office of Indian Education.

Background Information

The Bureau of Indian Education (BIE) operates as the State educational agency (SEA) for the purposes of administering Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA) and the Individuals with Disabilities Education Act (IDEA) Part B in BIE schools. Title I provides financial assistance to BIE and its schools which have high numbers or high percentages of children from low-income families to help ensure that all children meet challenging academic standards. Further, the U.S. Department of Education (the Department) and BIE entered into a Memorandum of Agreement (MOA) in December 2012 and its extension in July 2017 which describes the relationship that the two agencies have in supporting its students with regard to all ESEA funding provided by the Department to BIE. In this role, BIE is responsible for distributing the federal funds in accordance with the program requirements and ensuring that the BIE-funded schools are meeting the requirements of the relevant laws and regulations of the federal programs, and have the support they need to improve educational opportunities for Native students.

In its SEA role, BIE is responsible for monitoring and overseeing the implementation of IDEA Part B in BIE-funded schools. Under IDEA Part B, the BIE and BIE-funded schools are required to meet specific programmatic and fiscal requirements in carrying out their responsibility to make a free appropriate public education available to all eligible children with disabilities in BIE-funded schools. The Department provides IDEA Part B funds to BIE which, like all SEAs, must apply for and meet the appropriate requirements for an IDEA Part B grant on an annual basis for the education of children with disabilities on reservations aged 5 through 21 enrolled in BIE-funded schools. Further, the Department provides IDEA Part B funds to BIE to be distributed to tribes and tribal entities for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by BIE-funded schools.

Since Federal Fiscal Year (FFY) 2007, the Department has determined that BIE has not fully implemented the requirements of Title I and IDEA Part B and; therefore, has required BIE to submit a corrective action plan (CAP) report on a quarterly basis to the Department detailing its progress in implementing its plan for meeting certain Title I and IDEA Part B requirements. The Department imposed program-specific special conditions on the BIE's IDEA Part B grant awards for FFY 2009 through FFY 2017, most recently related to the BIE's fiscal monitoring procedures to ensure the appropriate use of Part B funds in BIE-funded schools, the BIE's compliance with the timeline requirements for resolving State complaints, and the BIE's compliance with Part B requirements for data reporting and secondary transition.

An important role that BIE has assumed in its SEA function is to annually collect and report student performance levels and other required data to the Secretary of Education, its schools and the public in a timely and accurate manner, so that communities can see how their children are doing year to year, and use the data to make improvements in their schools. This data is also expected to be used to identify and provide supplemental resources to schools that need additional support. BIE has been cited for non-compliance with these specific Title I requirements. A recent review of BIE's report to the Secretary revealed that BIE did not meet a key Title I requirement to report evidence related to schools that are identified in corrective action or restructuring status nor did it provide a sufficient explanation of how funds are allocated to support these schools. Therefore, BIE has not been routinely identifying schools in

need of improvement and has not been providing those schools with appropriate supports and interventions to help them improve.

In addition, section 8204(c) of the ESEA, requires BIE to use a negotiated rulemaking process to establish standards, assessments and an accountability system consistent with section 1111 of the ESEA for the schools funded by BIE and requires that the new system be implemented no later than the 2017-2018 school-year (SY). The Department granted BIE a one-year extension to the timeline to establish new regulations, requiring that the new accountability system be in effect for the 2018-2019 SY. Under the terms of the agreement to extend the deadline, the Department required BIE to provide certain evidence of progress on the negotiated rulemaking by October 2, 2017; the parties agreed that if BIE did not meet that deadline, the Department could take appropriate action such as withholding a portion or all of Title I, Part A State administration funds.

Due to BIE's failure to meet the deadline, the Department withheld the portion of BIE's FFY 2017 Title I, allocation that is required to be used by BIE for administrative purposes (SEA-like activities), which is 1.5% of the BIE allocation (approximately \$1.6 million). Through this consultation the Department hopes to hear from Tribes on whether we should direct the use of those funds in supporting BIE in meeting its obligation to conduct negotiated rulemaking in a timely manner and in improving BIE's implementation of Title I. Further, the Department is consulting on more general issues with regard to BIE's administration of the funds provided by the Department to BIE for the benefit of BIE-funded schools and its students; those funds include not only Title I and other grant funds under the ESEA, but also IDEA Part B funds.

The Department is also seeking input on how we or the BIE could help increase access to educational choice for students in Tribal communities. For example, the Secretary of Education's Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the Federal Register March 2, 2018, includes Priority 1, "Empowering Families and Individuals To Choose a High-Quality Education That Meets Their Unique Needs," and one of the groups on which the priority can focus is that of American Indian/Alaska Native students. We would be interested in hearing your perspective on the opportunities that could be developed using such a priority, including charter schools, long distance learning, course choice, education scholarship accounts, or other educational choice opportunities.

Summary

The Department in coordination with BIE will be conducting a series of tribal consultation meetings to obtain oral and written comments regarding opportunities to improve educational outcomes for Native youth served by BIE-funded schools. The Department seeks helpful information to strengthen BIE's role (similar to that of an SEA) in carrying out the requirements of federal education programs, specifically Title I, and Part B of IDEA, which are funded by the Department. Through this consultation the Department hopes to hear from federally recognized Tribes, school leaders, parents and the public on the best ways to direct the use of those funds to address the two major issues identified above (the negotiated rulemaking requirement and the Title I, Part A implementation issues). In addition, we are also consulting on more general issues with regard to the BIE's administration of the funds provided by the Department to BIE for the benefit of BIE-funded schools and its students; those funds include not only Title I and other grant funds under the ESEA, but also IDEA Part B funds.

The Department seeks tribal consultation and input regarding any actions impacting Tribes, tribal communities, and Native youth served by BIE-funded schools, that the Department may take based on the topics described above in order to improve educational opportunities for Native youth. The information and feedback obtained will be used to: (1) inform how the two federal agencies can collaborate better to serve Native youth through its formal Memorandum of Agreement (MOA) as well as through other means; (2) improve BIE's monitoring and oversight of schools, its data collection and dissemination practices and overall, its school improvement efforts; (3) inform the administration of funds that are provided by the Department to BIE and to ensure funds are spent for the purposes they are designed to serve, including for negotiated rule making; and (4) inform how the Department or BIE could help increase access to educational choice for students in Tribal communities.

For Further Contact Information

By email to: OSS.BIE@ed.gov.

Tribal Consultation Questions

The Department seeks input from Tribes and other stakeholders during consultation as follows:

1. How can BIE better support your schools in carrying out the requirements of federal education programs, specifically Title I and IDEA Part B?
2. What suggestions do you have for strengthening BIE's monitoring and technical assistance with regard to ESEA programs, including Title I, Part A?
3. How well does BIE carry out its role with regard to data collection and reporting and are there ways in which this process could be improved?
4. What suggestions do you have for strengthening BIE's monitoring and technical assistance with respect to IDEA Part B? What suggestions do you have for how BIE can better support local schools in administering services for children with disabilities? What professional development has been offered for educators to meet the needs of children with disabilities? Is there adequate access to related service providers, i.e. speech therapists, occupational therapists, etc.? Are parents informed of their and their children's rights under IDEA? Are children with disabilities adequately prepared to meet post-secondary goals?
5. Should the Department direct the use of BIE's Title I administrative funds to assist with the negotiated rulemaking process in developing its standards, assessment, and accountability systems and/or to assist with its implementation of Title I? If yes, how should we direct the use of those funds? If not, what suggestions do you have for how to ensure the funds are best used to support low-performing and low-achieving schools?
6. What forms of educational choice can students in Tribal communities currently access? What educational services could best supplement what is provided by a child's or a student's geographically assigned school or the institution in which he or she is currently enrolled, especially educational services that support Native identities, cultures, languages, and traditions? What public, private, or home-based educational programs or courses serve Native youth well? How could the Supplemental Priority for increasing access to educational choice best be used for Tribal communities?