

Bureau of Indian Education

ESEA Flexibility Request for Window 3



Submitted by the
Bureau of Indian Education,
U.S. Department of the Interior

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U.S. Department of Education
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Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0581. The time required to complete this information collection is estimated to average 336 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4537.

INTRODUCTION

The U.S. Department of Education (Department) is offering each State educational agency (SEA) the opportunity to request flexibility on behalf of itself, its local educational agencies (LEAs), and its schools, in order to better focus on improving student learning and increasing the quality of instruction. This voluntary opportunity will provide educators and State and local leaders with flexibility regarding specific requirements of the No Child Left Behind Act of 2001 (NCLB) in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. This flexibility is intended to build on and support the significant State and local reform efforts already underway in critical areas such as transitioning to college- and career-ready standards and assessments; developing systems of differentiated recognition, accountability, and support; and evaluating and supporting teacher and principal effectiveness.

The Department invites interested SEAs to request this flexibility pursuant to the authority in section 9401 of the Elementary and Secondary Education Act of 1965 (ESEA), which allows the Secretary to waive, with certain exceptions, any statutory or regulatory requirement of the ESEA for an SEA that receives funds under a program authorized by the ESEA and requests a waiver. Under this flexibility, the Department would grant waivers through the 2014–2015 school year.

REVIEW AND EVALUATION OF REQUESTS

The Department will use a review process that will include both external peer reviewers and staff reviewers to evaluate SEA requests for this flexibility. This review process will help ensure that each request for this flexibility approved by the Department is consistent with the principles described in the document titled *ESEA Flexibility*, which are designed to support State efforts to improve student academic achievement and increase the quality of instruction, and is both educationally and technically sound. Reviewers will evaluate whether and how each request for this flexibility will support a comprehensive and coherent set of improvements in the areas of standards and assessments, accountability, and teacher and principal effectiveness that will lead to improved student outcomes. Each SEA will have an opportunity, if necessary, to clarify its plans for peer and staff reviewers and to answer any questions reviewers may have. The peer reviewers will then provide comments to the Department. Taking those comments into consideration, the Secretary will make a decision regarding each SEA's request for this flexibility. If an SEA's request for this flexibility is not granted, reviewers and the Department will provide feedback to the SEA about the components of the SEA's request that need additional development in order for the request to be approved.

GENERAL INSTRUCTIONS

An SEA seeking approval to implement this flexibility must submit a high-quality request that addresses all aspects of the principles and waivers and, in each place where a plan is required, includes a high-quality plan. Consistent with ESEA section 9401(d)(1), the Secretary intends to grant waivers that are included in this flexibility through the end of the 2014–2015 school year for SEAs that request the flexibility in “Window 3” (*i.e.*, the September 2012 submission window for peer review in October 2012). The Department is asking SEAs to submit requests that include plans through the 2014–2015 school year in order to provide a complete picture of the SEA’s reform efforts. The Department will not accept a request that meets only some of the principles of this flexibility.

This *ESEA Flexibility Request for Window 3* is intended for use by SEAs requesting ESEA flexibility in September 2012 for peer review in October 2012. The timelines incorporated into this request reflect the timelines for the waivers, key principles, and action items of ESEA flexibility for an SEA that is requesting flexibility in this third window.

High-Quality Request: A high-quality request for this flexibility is one that is comprehensive and coherent in its approach, and that clearly indicates how this flexibility will help an SEA and its LEAs improve student achievement and the quality of instruction for students.

A high-quality request will (1) if an SEA has already met a principle, provide a description of how it has done so, including evidence as required; and (2) if an SEA has not yet met a principle, describe how it will meet the principle on the required timelines, including any progress to date. For example, an SEA that has not adopted minimum guidelines for local teacher and principal evaluation and support systems consistent with Principle 3 by the time it submits its request for the flexibility will need to provide a plan demonstrating that it will do so by the end of the 2012–2013 school year. In each such case, an SEA’s plan must include, at a minimum, the following elements for each principle that the SEA has not yet met:

1. **Key milestones and activities:** Significant milestones to be achieved in order to meet a given principle, and essential activities to be accomplished in order to reach the key milestones. The SEA should also include any essential activities that have already been completed or key milestones that have already been reached so that reviewers can understand the context for and fully evaluate the SEA’s plan to meet a given principle.
2. **Detailed timeline:** A specific schedule setting forth the dates on which key activities will begin and be completed and milestones will be achieved so that the SEA can meet the principle by the required date.
3. **Party or parties responsible:** Identification of the SEA staff (*e.g.*, position, title, or office) and, as appropriate, others who will be responsible for ensuring that each key activity is accomplished.
4. **Evidence:** Where required, documentation to support the plan and demonstrate the SEA’s progress in implementing the plan. This *ESEA Flexibility Request for Window 3* indicates the specific evidence that the SEA must either include in its request or provide at a future reporting date.

5. **Resources:** Resources necessary to complete the key activities, including staff time and additional funding.
6. **Significant obstacles:** Any major obstacles that may hinder completion of key milestones and activities (*e.g.*, State laws that need to be changed) and a plan to overcome them.

Included on page 19 of this document is an example of a format for a table that an SEA may use to submit a plan that is required for any principle of this flexibility that the SEA has not already met. An SEA that elects to use this format may also supplement the table with text that provides an overview of the plan.

An SEA should keep in mind the required timelines for meeting each principle and develop credible plans that allow for completion of the activities necessary to meet each principle. Although the plan for each principle will reflect that particular principle, as discussed above, an SEA should look across all plans to make sure that it puts forward a comprehensive and coherent request for this flexibility.

Preparing the Request: To prepare a high-quality request, it is extremely important that an SEA refer to all of the provided resources, including the document titled *ESEA Flexibility*, which includes the principles, definitions, and timelines; the document titled *ESEA Flexibility Review Guidance for Window 3*, which includes the criteria that will be used by the peer reviewers to determine if the request meets the principles of this flexibility; and the document titled *ESEA Flexibility Frequently Asked Questions*, which provides additional guidance for SEAs in preparing their requests.

As used in this request form, the following terms have the definitions set forth in the document titled *ESEA Flexibility*: (1) college- and career-ready standards, (2) focus school, (3) high-quality assessment, (4) priority school, (5) reward school, (6) standards that are common to a significant number of States, (7) State network of institutions of higher education, (8) student growth, and (9) turnaround principles.

Each request must include:

- A table of contents and a list of attachments, using the forms on pages 1 and 2.
- The cover sheet (p. 3), waivers requested (p. 4-6), and assurances (p. 7-8).
- A description of how the SEA has met the consultation requirements (p. 9).
- Evidence and plans to meet the principles (p. 10-18). An SEA will enter narrative text in the text boxes provided, complete the required tables, and provide other required evidence. An SEA may supplement the narrative text in a text box with attachments, which will be included in an appendix. Any supplemental attachments that are included in an appendix must be referenced in the related narrative text.

Requests should not include personally identifiable information.

Process for Submitting the Request: An SEA must submit a request to the Department to receive the flexibility. This request form and other pertinent documents are available on the Department's Web site at: <http://www.ed.gov/esea/flexibility>.

Electronic Submission: The Department strongly prefers to receive an SEA's request for the flexibility electronically. The SEA should submit it to the following address:
ESEAflexibility@ed.gov.

Paper Submission: In the alternative, an SEA may submit the original and two copies of its request for the flexibility to the following address:

Paul S. Brown, Acting Director
Student Achievement and School Accountability Programs
U.S. Department of Education
400 Maryland Avenue, SW, Room 3W320
Washington, DC 20202-6132

Due to potential delays in processing mail sent through the U.S. Postal Service, SEAs are encouraged to use alternate carriers for paper submissions.

REQUEST SUBMISSION DEADLINE

The submission due date for Window 3 is September 6, 2012.

TECHNICAL ASSISTANCE FOR SEAS

The Department has conducted a number of webinars to assist SEAs in preparing their requests and to respond to questions. Please visit the Department's Web site at:
<http://www.ed.gov/esea/flexibility> for copies of previously conducted webinars and information on upcoming webinars.

FOR FURTHER INFORMATION

If you have any questions, please contact the Department by e-mail at ESEAflexibility@ed.gov

TABLE OF CONTENTS

CONTENTS		PAGE
Table of Contents		1
Cover Sheet for ESEA Flexibility Request		4
Waivers		5
Assurances		8
Consultation		10
Evaluation		16
Overview of SEA’s Request for the ESEA Flexibility		17
Principle 1: College- and Career-Ready Expectations for All Students		29
1.A	Adopt college- and career-ready standards	29
1.B	Transition to college- and career-ready standards	29
1.C	Develop and administer annual, statewide, aligned, high-quality assessments that measure student growth	50
Principle 2: State-Developed Differentiated Recognition, Accountability, and Support		60
2.A	Develop and implement a State-based system of differentiated recognition, accountability, and support	60
2.B	Set ambitious but achievable annual measurable objectives	79
2.C	Reward schools	83
2.D	Priority schools	86
2.E	Focus schools	98
2.F	Provide incentives and supports for other Title I schools	107
2.G	Build SEA, LEA, and school capacity to improve student learning	110
Principle 3: Supporting Effective Instruction and Leadership		118
3.A	Develop and adopt guidelines for local teacher and principal evaluation and support systems	118
3.B	Ensure LEAs implement teacher and principal evaluation and support systems	124
Principle 4: Reduced Duplication and Unnecessary Burden		131

TABLE OF CONTENTS, CONTINUED

LABEL	LIST OF ATTACHMENTS	PAGE
1	Notice to LEAs	1
2	Comments on request received from schools/LEAs, Tribal Leaders, and other stakeholders (i.e., verbatim testimony, letters, statements)	8
3	Notice and information provided to the public regarding the request (i.e., Tribal Leaders and communities)	110
4	Evidence that the State has formally adopted college- and career-ready content standards consistent with the State’s standards adoption process	156
5	Memorandum of understanding or letter from a State network of institutions of higher education (IHEs) certifying that meeting the State’s standards corresponds to being college- and career-ready without the need for remedial coursework at the postsecondary level (if applicable)	N/A
6	State’s Race to the Top Assessment Memorandum of Understanding (MOU) (if applicable)	N/A
7	Evidence that the SEA has submitted high-quality assessments and academic achievement standards to the Department for peer review, or a timeline of when the SEA will submit the assessments and academic achievement standards to the Department for peer review (if applicable)	N/A
8	A copy of the average statewide proficiency based on assessments administered in the 2011–2012 school year in reading/language arts and mathematics for the “all students” group and all subgroups (if applicable)	N/A
9	Table 2: Reward, Priority, and Focus Schools	160
10	A copy of the guidelines that the SEA has developed and adopted for local teacher and principal evaluation and support systems (if applicable)	N/A
11	Evidence that the SEA has adopted all of the guidelines for local teacher and principal evaluation and support systems	N/A
12	Letters between the Department of the Interior and the Department of Education regarding BIE Flexibility Request	170
13	Business Rules: Accountability Index (AI) and Annual Measurable Objectives (AMO)	175
14	“The Blended Assessment: Federal Approval,” G. Gage Kinsbury, NWEA, n.d.	181
15	Agency Roles in Building Capacity and Monitoring and Adjusting Our Plans	189

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COVER SHEET FOR ESEA FLEXIBILITY REQUEST

<p>Legal Name of Requester: Bureau of Indian Education</p>	<p>Requester's Mailing Address: Bureau of Indian Education U.S. Department of the Interior 1849 C Street, NW MS-3609-MIB Washington, DC 20240</p>
<p>State Contact for the ESEA Flexibility Request</p> <p>Name: Dr. Jeffrey Hamley</p> <p>Position and Office: Associate Deputy Director, Division of Performance and Accountability</p> <p>Contact's Mailing Address: Bureau of Indian Education U.S. Department of the Interior 1849 C Street, NW MS-3609-MIB Washington, DC 20240</p> <p>Telephone: (202) 208-6123</p> <p>Fax: (202) 208-3312</p> <p>Email address: Jeffrey.hamley@bie.edu</p>	
<p>Chief State School Officer (Printed Name): Brian Drapcaux Acting Director, Bureau of Indian Education</p>	<p>Telephone: (202) 208-6123</p>
<p>Signature of the Chief State School Officer: X (b)(6)</p>	<p>Date: 9-6-12</p>
<p>The State, through its authorized representative, agrees to meet all principles of the ESEA Flexibility.</p>	

WAIVERS

By submitting this flexibility request, the SEA requests flexibility through waivers of the ten ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements by checking each of the boxes below. The provisions below represent the general areas of flexibility requested; a chart appended to the document titled *ESEA Flexibility Frequently Asked Questions* enumerates each specific provision of which the SEA requests a waiver, which the SEA incorporates into its request by reference.

- 1. The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State’s proficient level of academic achievement on the State’s assessments in reading/language arts and mathematics no later than the end of the 2013–2014 school year. The SEA requests this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.
- 2. The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. The SEA requests this waiver so that an LEA and its Title I schools need not comply with these requirements.
- 3. The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. The SEA requests this waiver so that it need not comply with these requirements with respect to its LEAs.
- 4. The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. The SEA requests this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.
- 5. The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide program. The SEA requests this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its Priority and Focus schools that meet the definitions of “Priority schools” and “Focus schools,” respectively, set forth in the document titled *ESEA Flexibility*, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.
- 6. The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or

restructuring. The SEA requests this waiver so that it may allocate section 1003(a) funds to its LEAs in order to serve any of the State’s Priority and Focus schools that meet the definitions of “Priority schools” and “Focus schools,” respectively, set forth in the document titled *ESEA Flexibility*.

- 7. The provision in ESEA section 1117(c)(2)(A) that authorizes an SEA to reserve Title I, Part A funds to Reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. The SEA requests this waiver so that it may use funds reserved under ESEA section 1117(c)(2)(A) for any of the State’s Reward schools that meet the definition of “Reward schools” set forth in the document titled *ESEA Flexibility*.
- 8. The requirements in ESEA section 2141(a), (b), and (c) for an LEA and SEA to comply with certain requirements for improvement plans regarding highly qualified teachers. The SEA requests this waiver to allow the SEA and its LEAs to Focus on developing and implementing more meaningful evaluation and support systems.
- 9. The limitations in ESEA section 6123 that limit the amount of funds an SEA or LEA may transfer from certain ESEA programs to other ESEA programs. The SEA requests this waiver so that it and its LEAs may transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A.
- 10. The requirements in ESEA section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grants (SIG) final requirements. The SEA requests this waiver so that it may award SIG funds to an LEA to implement one of the four SIG models in any of the State’s Priority schools that meet the definition of “Priority schools” set forth in the document titled *ESEA Flexibility*.

Optional Flexibilities:

If an SEA chooses to request waivers of any of the following requirements, it should check the corresponding box(es) below:

- 11. The requirements in ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) that restrict the activities provided by a community learning center under the Twenty-First Century Community Learning Centers (21st CCLC) program to activities provided only during non-school hours or periods when school is not in session (*i.e.*, before and after school or during summer recess). The SEA requests this waiver so that 21st CCLC funds may be used to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session.
- 12. The requirements in ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) that require LEAs and SEAs to make determinations of adequate yearly progress (AYP) for schools and LEAs, respectively. The SEA requests this waiver because continuing to determine whether an LEA and its schools make AYP is inconsistent with the SEA’s State-developed differentiated recognition, accountability, and support system included in its ESEA flexibility request. The SEA and its LEAs must report on their report cards performance against the AMOs for all subgroups identified in ESEA section 1111(b)(2)(C)(v), and use performance against the AMOs

to support continuous improvement in Title I schools.

13. The requirements in ESEA section 1113(a)(3)-(4) and (c)(1) that require an LEA to serve eligible schools under Title I in rank order of poverty and to allocate Title I, Part A funds based on that rank ordering. The SEA requests this waiver in order to permit its LEAs to serve a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school does not rank sufficiently high to be served under ESEA section 1113.

ASSURANCES

By submitting this application, the SEA assures that:

- 1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.
- 2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)
- 3. It will develop and administer no later than the 2014–2015 school year alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State's college- and career-ready standards. (Principle 1)
- 4. It will develop and administer ELP assessments aligned with the State's ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii). (Principle 1)
- 5. It will report annually to the public on college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State. (Principle 1)
- 6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify Priority and Focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. § 200.6(a)(2); and are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)
- 7. It will report to the public its lists of Reward schools, Priority schools, and Focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its Reward schools as well as make public its lists of Priority and Focus schools if it chooses to update those lists. (Principle 2)
- 8. Prior to submitting this request, it provided student growth data on their current students and the students they taught in the previous year to, at a minimum, all teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instructional programs, or it will do so no later than the deadline required under the State Fiscal Stabilization Fund. (Principle 3)

- 9. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)
- 10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.
- 11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).
- 12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (*e.g.*, by publishing a notice in the newspaper; by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).
- 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.
- 14. It will report annually on its State report card, and will ensure that its LEAs annually report on their local report cards, for the “all students” group and for each subgroup described in ESEA section 1111(b)(2)(C)(v)(II): information on student achievement at each proficiency level; data comparing actual achievement levels to the State’s annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools. It will also annually report, and will ensure that its LEAs annually report, all other information and data required by ESEA section 1111(h)(1)(C) and 1111(h)(2)(B), respectively.

If the SEA selects Option A in section 3.A of its request, indicating that it has not yet developed and adopted all the guidelines for teacher and principal evaluation and support systems, it must also assure that:

- 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2012–2013 school year. (Principle 3)

CONSULTATION

An SEA must meaningfully engage and solicit input from diverse stakeholders and communities in the development of its request. To demonstrate that an SEA has done so, the SEA must provide an assurance that it has consulted with the State’s Committee of Practitioners regarding the information set forth in the request and provide the following:

The Bureau of Indian Education will engage in two types of consultation: 1) stakeholder input, and 2) tribal consultation. Stakeholder input will address the requirements of the Flexibly Request, to the greatest extent possible. Formal tribal consultation is required of BIE as a federal agency, as well as other federal agencies, in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. President Obama signed a Memorandum on Tribal Consultation on November 5, 2009, directing each executive department to develop a detailed plan of action to implement Executive Order 13175. In response, the U.S. Department of the Interior developed the Department of the Interior Policy on Consultation with Indian Tribes¹ (see Attachment 2).

1. A description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives.

The BIE meaningfully engaged and solicited input on its Flexibility Request from teachers and the teachers’ labor union. Teachers and their representatives are actively involved in the design of the Flexibility Request.

Methods of Communication. The BIE communicated with stakeholders by various means, including:

- Email listserv
- Web-based information
- Facsimile transmission
- Dedicated email response account (eseaconsultation@bie.edu)
- Website posting
- Webinar
- Teleconference
- Face-to-face meeting

The above means we used to communicate to schools, inviting review of the draft Flexibility request and requesting input.

Teachers. The Bureau of Indian Education (BIE) funds 174 schools. Of that number, 58 schools are BIE-operated and 116 schools are tribally-controlled.² Teachers in the BIE-operated schools are federal employees. Outreach by the BIE to teachers working in BIE-funded schools is determined by their federal or non-federal status and the various statutes and regulations governing the BIE as a federal agency.

¹ Secretary Order No. 3317, U.S. Department of the Interior, December 11, 2011.

² The total number of schools may vary each year, as well as the mix of BIE-operated and tribally controlled schools.

The BIE conducted stakeholder outreach to teachers in the BIE-funded schools through various means. The Flexibility Request and related materials were posted for public view to the BIE and Interior websites: <http://www.bie.edu> and <http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm>. Reviewers also could submit open-ended comments by email to: eseaconsultation@bie.edu, or by U.S. mail to: BIE ESEA Flexibility Request Comments, Office of the Assistant Secretary – Indian Affairs, U.S. Department of the Interior, Mail Stop 4141 MIB, Washington, DC 20240.

Through emails to both BIE-operated and tribally controlled schools, information was disseminated about how to access the BIE Flexibility Request at the various websites and inviting input into the draft document.

Information also was disseminated at the annual 2012 BIE Summer Institute held in Denver June 11-14, 2012. Over 1,900 personnel from BIE-funded schools attended the event, including teachers. Four sessions were held on the BIE Flexibility Request. In addition, hundreds of flyers were distributed to participants and inviting input into the BIE Flexibility Request.

Teacher Representatives. Teachers in BIE-operated schools are represented by the Federation of Indian Service Employees Union (FISE). Teachers in tribally-controlled schools have no labor union representation.

The BIE solicited input from the employee union by contacting the union and requesting input in the BIE Flexibility Request. Of particular interest to the teacher's union is the part dealing with teacher evaluations. Discussions have taken place with the union about revising the existing Employee Performance Appraisal Plan (EPAP), which is the instrument used to evaluate BIE employees, to include a student achievement element. Discussions have centered on schools participating in the Department of Education School Improvement Grant (SIG) program. SIG requires the use of data on student progress in the evaluation of teachers. Agreement in principle has been reached with the SIG schools and can be expanded to all BIE-operated schools. A draft Memorandum of Understanding has been developed and is under review by both parties.

In regard to the teachers in tribally- controlled schools, BIE cannot require unilaterally that tribal schools implement a particular evaluation system. However, some leverage is available with schools funded with School Improvement Grant dollars, since SIG requires the use of data on student progress in the evaluation of teachers. Tribal schools unwilling to include a student achievement component to teacher evaluation will not be eligible for SIG dollars.

2. A description of how the SEA meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes.

The BIE meaningfully engaged and solicited input on its Flexibility Request from other diverse communities as outlined below.

Public – Students and Parents. Students and parents are considered members of the public as defined in the Paperwork Reduction Act (PRA). Similar to teachers in tribally-controlled schools, the BIE cannot collect information using identical questions to 10 or more members of the public, whether

voluntary or mandatory, written, electronic, or oral without prior approval from the Office of Management and Budget (OMB). Again, the Flexibility Request and related materials were posted for public view to the BIE and Interior websites for comment in various formats, which enabled members of the public to be informed about the reform initiative and to submit comments, if they so choose.

- Students – BIE-operated and tribally-controlled schools
- Parents – BIE-operated and tribally-controlled schools
- School Boards – BIE-operated and tribally-controlled schools

Organizations. The Bureau of Indian Education (BIE) solicited input from a number of organizations representing various interests. Below is a list of organizations contacted.

- Center on Innovation & Improvement (CII)
- Council of Chief State School Officers (CCSSO)
- Mountain Plains Regional Resource Center
- BIE Special Education Advisory Committee

Federal Employees. Employees of the federal government are not considered members of the public and therefore outreach to them for input is not restricted by the Paperwork Reduction Act (PRA).

- Teachers – BIE-operated and tribally-controlled schools
- School Principals – BIE-operated and tribally-controlled schools
- School Superintendents – BIE-operated and tribally-controlled schools
- School Staff – BIE-operated and tribally-controlled schools
- Education Line Officers (22)
- Associate Deputy Directors (3)
- BIE senior management (7)
- BIE staff

Tribal Consultation. The BIE followed Interior’s Policy on Consultation with Indian Tribes to solicit input in the Flexibility Request. Adherence to the policy is intended to contribute toward effective collaboration and informed decision-making fully involving Indian tribes and the government. The general procedure for tribal consultations is to send a Tribal Leader Letter to all tribes which contain all relevant information about the topic for consultation, including consultation locations and dates (see Attachment 2).

The BIE ESEA Flexibility Request was on the agenda for discussion purposes at four tribal consultation sessions sponsored jointly by the Department of the Interior and the Department of Education on the draft Memorandum of Understanding between the two departments and the strategic implementation of the White House Initiative on American Indian and Alaska Native Education established by Executive Order 13592. The tribal consultation sessions were held on the following dates and locations.

May 18, 2012
Lincoln, California
No. attendees: 23

May 24, 2012
Flagstaff, Arizona
No. attendees: 78

