



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 5, 2020

Tony Dearman
Director
Bureau of Indian Education
United States Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Director Dearman:

Thank you for your letter on March 11, 2020, regarding the Bureau of Indian Education's (BIE) progress on its Corrective Action Plan (CAP). I am pleased to respond.

As you are aware, the CAP addresses deficiencies in BIE's implementation of the Title I, Part A (Title I) requirements under the Elementary and Secondary Education Act of 1965 (ESEA), among other matters. In our letter on January 21, 2020, the U.S. Department of Education (the Department) outlined specific actions we requested BIE to focus on in the CAP regarding its progress towards implementing its new system of challenging academic standards, aligned assessments, and accountability as required under ESEA section 8204(c)(1) as well as important on-going Title I programmatic deficiencies.

I want to acknowledge the progress that BIE has made toward implementing its new system of challenging academic standards, aligned assessments and accountability as required under ESEA section 8204(c)(1). In February 2020, BIE submitted a draft of its Agency Plan that BIE will use for Tribal consultation in spring 2020; BIE published its final assessment and accountability regulations in March 2020; and BIE released a request for proposals for a contract to develop and administer BIE-wide assessments in the 2020-2021 school year.

Due to the widespread and extended school closures caused by the COVID-19 national pandemic, on March 20, 2020, the Department invited States to request a waiver, for the 2019-2020 school year, of the assessment requirements in ESEA section 1111(b)(2); accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D); and certain report card provisions related to assessments and accountability in section 1111(h). On March 27, 2020, the Department approved BIE's request for a waiver of these requirements. As a result, the Department recognizes that BIE will be unable to meet all the milestones outlined in the letter on January 21, 2020. Specifically, BIE was required to implement a transition accountability system in the 2020-2021 school year based on data from the 2019-2020 school year which contained at a minimum, graduation rate, academic achievement and one or more school quality and student success indicators. Because BIE will not have the requisite student achievement data due to the waiver granted by the Department, BIE is no longer required to implement a transition accountability system in fall 2020 based on data from the 2019-2020 school year. An

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

updated list of Corrective Actions regarding challenging academic standards and aligned assessment and an accountability system is below.

Actions Required:

- After BIE’s spring 2020 Tribal consultations, submit to the Department by June 1, 2020, for review and approval BIE’s revised Agency Plan that contains the full accountability system that BIE will implement in the 2021-2022 school year (using data from the 2020-2021 school year) and beyond. Continue working with the Comprehensive Center to:
 - Obtain technical assistance in designing BIE’s new standards, assessments, and accountability system; and
 - Identify steps BIE will take to collect and use data to develop and implement valid and reliable indicators and performance measures to run its complete accountability system in the beginning of the 2021-2022 school year using data from the 2020-2021 school year.
- By the fourth quarter CAP submission deadline of July 31, 2020, provide evidence BIE is taking steps, as planned, to implement a new assessment system in school year 2020-2021 covering all required assessments, including science and English language proficiency (e.g., documentation that BIE has selected a new vendor or other acquisitions related documentation).

Please note that the modifications specifically outlined in this letter only revise the areas in the January 2020 CAP related to challenging academic standards and aligned assessment and an accountability system. All other provisions outlined in that letter remain in effect until they are completed by BIE and BIE is notified of satisfactory remediation by the Department. The complete list of actions is included at the end of this letter. BIE must continue to report on its progress through CAP quarterly reports. The Department may take further action against BIE, including withholding of funds, if BIE fails to meet the milestones outlined in the CAP.

Lastly, BIE is expected to adhere to the assurances and other provisions regarding school support and improvement as well as to seek public comment as outlined in the assessment, accountability and reporting waiver BIE received in March 2020.

We appreciate our continued relationship with BIE and remain committed to working with you. We hope that our ongoing collaboration will lead to improved outcomes for Native youth. In addition, we thank you for your continued commitment to our nation’s students during these extraordinary circumstances. If you have any questions please contact Robert Salley of my staff at: OESE.Title-I-a@ed.gov. Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

Enclosure

cc: James Cason, Associate Deputy Secretary
Tara Sweeny, Assistant Secretary, Indian Affairs
Mark Cruz, Deputy Assistant Secretary, Indian Affairs

Amended Corrective Actions Summary

Corrective Actions Regarding Challenging Academic Standards and Aligned Assessments and an Accountability System

Indicator	Tasks	Deliverable Deadlines
ESEA	<ul style="list-style-type: none"> BIE’s Agency Plan that contains the accountability system that BIE will implement in school year 2021-2022. 	May 31, 2020
ESEA	<ul style="list-style-type: none"> Technical assistance. 	On-going

Prior & Ongoing Title I Corrective Actions for SY 2019-2020

Indicator	Tasks	Deliverable/Reporting Deadlines
Assessments	<ul style="list-style-type: none"> Submit evidence BIE is taking steps, as planned, to implement a new assessment system covering all required assessments. 	July 31, 2020
Data Reporting	<ul style="list-style-type: none"> Submit and certify all available school year 2018-2019 data to the Department via <i>EDFacts</i> and the Consolidated State Performance Report 	Per the Department’s published deadlines
	<ul style="list-style-type: none"> Submit evidence of corrective actions BIE has taken against schools which fail to comply with the requirements in the law to provide data to BIE. 	As necessary
	<ul style="list-style-type: none"> Publicly post SEA and LEA report cards for school year 2018-2019. 	April 30, 2020
School Improvement	<ul style="list-style-type: none"> Report how BIE is providing supports and interventions to the schools on its list of identified schools, including schools identified for CSI in school year 2019-2020. 	On-going/reporting quarterly
	<ul style="list-style-type: none"> Approve applications for 1003(a) funds, award funds, and continue to provide supports and improvement for its identified schools. 	By the beginning of school year 2020-2021
	<ul style="list-style-type: none"> Using data from the 2020-2021 school year, identify schools for CSI and targeted support and improvement using its new accountability system. 	In the beginning of school year 2021-2022
	<ul style="list-style-type: none"> Approve applications for 1003(a) funds and subsequently award funds as appropriate and continue to provide supports and improvement. 	By March 1, 2022
Subrecipient Monitoring	<ul style="list-style-type: none"> Continue implementing joint fiscal monitoring system (<i>Found in Section C of the CAP</i>). 	Ongoing/reporting quarterly