NEWS

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OIEP Publishes Final Rule to Implement the No Child Left Behind Act in BIA Schools

WASHINGTON – Interior Associate Deputy Secretary James Cason today announced that the Bureau of Indian Affairs (BIA) Office of Indian Education Programs (OIEP) has published in the Federal Register a final rule implementing the No Child Left Behind Act of 2001 (Public Law 107-110), President Bush's signature education legislation, in the BIA-funded schools. The action follows three years of consultation with tribal leaders, school officials, parents and other stakeholders in negotiated rulemaking called for by the Act to bring the pillars of the President's public education reform plan – accountability and testing, flexibility and local control, funding for what works – to the Bureau schools.

The NCLBA directed the Secretary of the Interior to conduct consultation meetings followed by negotiated rulemaking for six sections of the Act that require the following: defining adequate yearly progress (AYP), the essential measurement for determining that a school is providing quality education; establishing separate geographic attendance areas for each BIA-funded school; establishing a formula for determining minimum annual funding necessary for each BIA-funded school; establishing a system for the direct funding and support of all BIA-funded schools; establishing guidelines to ensure constitutional and civil rights of Indian students in BIA-funded schools; and establishing a method for administering grants to tribally controlled schools.

Starting in 2002, the OIEP conducted consultation meetings with parents, teachers, students, school officials and tribal representatives on establishing the Negotiated Rulemaking Committee, published in the Federal Register a Notice of Intent to form the committee and requesting nominations for committee members, and published in the Federal Register a list of proposed committee members.

In July of 2003, the committee, which was comprised of tribal and federal representatives, school administrators, school board members and other educators, held meetings across the country and organized work groups to undertake the rulemaking required by the NCLBA.

The BIA school system serves approximately 48,000 American Indian children in 184 elementary and secondary day and boarding schools located on or near 63 reservations in 23 states. In school year 2004-2005 the BIA directly operated one-third of these schools and the remaining two-thirds were tribally operated under BIA contracts or grants.

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