Deadline for nominations and comments is March 4

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WASHINGTON – Assistant Secretary – Indian Affairs Kevin K. Washburn today announced the Bureau of Indian Education's (BIE) intent to establish a Committee to help evaluate and recommend revisions to regulations for determining Adequate Yearly Progress (AYP) for its schools under the No Child Left Behind Act. The BIE is also seeking comments on the proposal to establish this Committee and nominations for its membership by March 4, 2013.

"The changing landscape with respect to state accountability standards under the No Child Left Behind Act means the Bureau of Indian Education must also change its approach to determining Adequate Yearly Progress for its schools," Washburn said. "The BIE must have the ability to produce measurable data on student academic achievement, and I strongly encourage tribal leaders to submit nominations for this AYP Negotiated Rulemaking Committee."

The No Child Left Behind Act amended the Elementary and Secondary Education Act, in part, to require the Bureau of Indian Affairs (BIA) to promulgate regulations for a student progress accountability system, which includes a specific methodology for calculating AYP, to be used in Bureau-funded schools. In 2005, the BIA promulgated regulations that require the BIE to use the accountability system of the state where a Bureau-funded school is located in order to calculate the school's AYP.

With schools in 23 states, each state having its own accountability system, the BIE developed a method for comparing academic achievement across states despite the variance in academic standards. However, the U.S. Department of Education has granted some states flexibility waivers from the requirements of the No Child Left Behind Act. These waivers have increased the degree of difficulty challenging the BIE in using 23 state accountability systems to effectively compare achievement among its schools. Therefore, the Secretary, through authority delegated to the Assistant Secretary – Indian Affairs, has determined that a new rule is needed.

The Secretary also is seeking nominations for tribal representatives to serve on the Committee, especially those who have a demonstrated ability to communicate well with groups about the interests they will represent. The Committee cannot exceed 25 members. Nominations for tribal representatives and alternates are being solicited from tribes whose students attend Bureau-funded schools operated either by the BIE or the tribe through a contract or grant.

Nominations for Committee members or written comments on the proposal to establish an AYP Negotiated Rulemaking Committee may be submitted by close of business on March 4, 2013, to Sue Bement, Designated Federal Officer, Bureau of Indian Education, 1011 Indian School Rd., N.W., Suite 332, Albuquerque, N.M. 87104, Phone: 505-563-5274, Fax: 505-563-5281; by email to AYPcomments@bia.gov; or hand-delivered to the BIE at the Manuel Lujan Jr. Building, Building II, Suite 332, 1011 Indian School Rd., N.W., Albuquerque, N.M. 87104.

For more information on the proposed AYP Negotiated Rulemaking Committee, including criteria and submission instructions for nominees and negotiated rulemaking procedures, see the Federal Register notice at http://www.gpo.gov/fdsys/pkg/FR-2013-01-31/pdf/2013-01957.pdf.

The Assistant Secretary – Indian Affairs oversees the Bureau of Indian Education, which operates the federal school system for American Indian and Alaska Native children from the federally recognized tribes. The BIE provides funding and implements federal education laws, such as the No Child Left Behind Act, for 183 elementary and secondary day and boarding schools and peripheral dormitories on 64 reservations in 23 states that serve about 42,000 students. The BIE also serves post secondary students through higher education scholarships and administers operating grants to 26 tribal colleges and universities and two tribal technical colleges. It also directly operates two post secondary institutions: Haskell Indian Nations University in Lawrence, Kan., and the Southwestern Indian Polytechnic Institute in Albuquerque.

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