Group to Advise Secretary Norton on Proposed Rules for BIA Schools

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WASHINGTON, D.C. – Acting Assistant Secretary – Indian Affairs Aurene M. Martin today announced that the No Child Left Behind Act Negotiated Rulemaking Committee has set a schedule of four meetings to undertake rulemaking as required under the No Child Left Behind Act of 2001. The Committee, which was established earlier this year, is charged with making recommendations to the Secretary of the Interior for proposed regulations on six sections of the Act that seek to improve accountability and student academic achievement at BIA-funded schools.

"The No Child Left Behind Act Negotiated Rulemaking Committee is a joint partnership between the Bureau of Indian Affairs and the Tribes to ensure that all BIA-funded schools will meet the Act's stringent requirements for accountability and improvements in student academic performance," said Martin. "This is also in keeping with the president's goal of improving the quality of education in Federally-funded schools, regardless of location, by holding them accountable for their students' academic success."

The Negotiated Rulemaking Committee held its first meeting on June 9-13 in Albuquerque, N.M., and established ground rules and schedules for conducting business. Moreover, the Committee organized work groups based on the six sections, which are undertaken in this negotiated rulemaking. A notice announcing the first meeting was published in the Federal Register on May 29. The Department also published a notice on July 1, 2003 on three upcoming meetings, which are scheduled for July 14-18 in Bloomington, Minn.; August 21-24 in Seattle, Wash.; and September 15-19 in Nashville, Tenn. These meetings are open to the public.

The Negotiated Rulemaking Committee must develop final rules to be published by September 1, 2004 in time for the start of the 2004 school year. On January 9, 2002, President Bush signed the No Child Left Behind Act (Public Law 107-110), legislation that embodied his vision for reforming public education by holding Federally-funded schools accountable for their students' academic achievements. The Act brings to BIA-funded schools the four pillars of the president's education reform plan: accountability and testing, flexibility and local control, funding for what works and expanded parental options for children attending failing schools.

The Act directed the Secretary to conduct consultation meetings followed by negotiated rulemaking for the six sections that deal with issues affecting programs funded by the Department's Office of Indian Education Programs (OIEP). The six sections are: 1) Section 1116(g), defining "Adequate Yearly Progress," the essential measurement for determining that a school is providing quality education; 2) Section 1124, establishing separate geographic attendance areas for each BIA-funded school; 3) Section 1127, establishing a formula for determining minimum annual funding necessary for each BIA-funded school; 4) Section 1130, establishing a system for the direct funding and support of all BIA-funded

schools; 5) Section 1136, establishing guidelines to ensure constitutional and civil rights of Indian students in BIA funded schools; and 6) Section 1043, establishing a method to administer grants under the Tribally Controlled Schools Act of 1988.

In August and September of 2002, OIEP held a series of regional consultation meetings with parents, teachers, students, school officials and tribal representatives to obtain comments, opinions and ideas on establishing a negotiated rulemaking committee. The Act required that the committee represent a balance of interests that will be significantly affected by the final rules, that it proportionately represent students from tribes served by BIA-funded schools, that it reflect different varieties of schools and that it include individuals with experience and expertise in Indian education.

On December 10, 2002, the BIA published in the Federal Register a Notice of Intent to form a negotiated rulemaking committee and to request nominations for tribal representatives to serve as committee members. On May 5, 2003, the BIA published in the Federal Register a list of proposed committee members comprised of tribal and Federal representatives, school administrators, school board members and other educators.

The public may make comments to the committee during specified times during the committee meetings or submit written comments to the committee through the No Child Left Behind Negotiated Rulemaking Project Management Office, 500 Gold Avenue, S.W., Room 7202, P.O. Box 1430, Albuquerque, N.M., 87103-1430.

The Assistant Secretary - Indian Affairs has responsibility for fulfilling the Department’s trust responsibilities to individual and tribal trust beneficiaries, as well as promoting the self-determination and economic well-being of the nation’s 562 Federally recognized American Indian and Alaska Native tribes. The Assistant Secretary also oversees the Bureau of Indian Affairs, which is responsible for providing education and social services to approximately 1.4 million individual American Indians and Alaska Natives from the nation’s 562 Federally recognized tribes.

The BIA school system is comprised of 185 elementary and secondary day and boarding schools located on 63 reservations in 23 states and serving approximately 48,000 students. In School Year 2001-2002, the BIA directly operated one-third of its schools with the remaining two-thirds tribally-operated under BIA contracts or grants. The BIA also directly operates two postsecondary institutions of higher learning and provides funding to 25 tribally-controlled colleges and universities. In addition, the BIA offers financial assistance grants to Indian undergraduate and graduate students through, respectively, tribal scholarship programs and the American Indian Graduate Center (AIGC) in Albuquerque, N.M.

Information about the No Child Left Behind Act Negotiated Rulemaking Committee is also available by clicking on “Negotiated Rulemaking” at the Office of Indian Education Programs website www.oiep.bia.edu.