



UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Indian Education
1849 C Street NW, MIB-3610
Washington, DC 20240

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Subject: Executive Order 14191 on Expanding Educational Freedom and Opportunity for Families: Section 7 Draft Implementation Plan Overview for July 14-15, 2025, Tribal and Indian Education Stakeholder Consultation Sessions

Introduction

On January 29, 2025, President Trump issued Executive Order (EO) 14191 on Expanding Educational Freedom and Opportunity for Families. The EO included Section 7: Helping Children Eligible for Bureau of Indian Education (BIE) Schools. Section 7 directed the Secretary of the Interior (Secretary) to “...review any available mechanisms under which families of students eligible to attend BIE schools may use their Federal funding for educational options of their choice...” and that “...[t]his order shall be implemented consistent with applicable law and subject to the availability of appropriations...” The Secretary, through the BIE, submitted a draft Implementation Plan (Plan) to the President prior to the 90-day deadline of April 29, 2025, describing such mechanisms and the steps necessary to implement them for the 2025-26 school year. Section 7 also required a report on the current performance of BIE schools and the identification of educational alternatives in nearby areas, which BIE submitted.

BIE staff analyzed and compiled consultation feedback to develop the proposed mechanisms in the Plan. Comments overwhelmingly opposed implementing the EO if a mechanism diverted existing funds from the BIE school system and BIE-funded schools.¹ More than 120 tribes, tribal leaders, tribally controlled schools (TCS), tribal school boards, tribal education organizations, and private individuals submitted written or oral comments during the two virtual March 14, 2025, consultations sessions and subsequent comment period. Commenters often specifically advocated for additional funding for the BIE, individual TCS, and cited that TCS are already their preferred schools of choice but require additional resources.

Participants also commented that diverting funds to schools outside the current system is a threat to tribal education sovereignty and could abrogate existing treaty, trust, and other legal obligations to tribes and Indian students. With the feedback received, BIE developed mechanisms that considered the comments from Indian Country while supporting additional

¹ For purposes of this draft plan “BIE-funded schools” include BIE-operated schools and dormitories, schools and dormitories operated pursuant to a grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. § 2501 *et seq.*), and schools and dormitories operated pursuant to a contract under the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5301 *et seq.*).

legally viable options that implemented the EO and supported the goals of expanding educational freedom and opportunity for families.

Mechanisms for Helping Children Eligible for BIE Schools

The BIE developed several legally permissible options for expanding educational freedom and opportunities for families of BIE students.

1. Department of Education Funds: ESSA Section 1003A & Title IV, Part A

Activity Description

- Utilizing flexibility offered under the Elementary and Secondary Education Act Section 1003A, and highlighted by recent guidance from the U.S. Department of Education (ED), BIE, while serving the functions of a state education agency, may reserve funds from its Title I allocation to provide funds to BIE-funded schools for direct student services that allow parents to exercise a choice in their child's education. Such direct student services may include:
 - Enrollment and participation in academic courses not otherwise available at the student's BIE school. This could potentially provide increased access to advanced courses and Career and Technical Education coursework aligned to State standards.
 - Credit recovery and academic acceleration courses that lead to a regular high school diploma (as defined in ESEA section 8101(43)).
 - Activities that assist students in successfully completing postsecondary level instruction and examinations that are accepted for credit at institutes of higher education (IHEs), such as tribal colleges and universities, and including but not limited to Advanced Placement courses, which may include reimbursing students from low-income backgrounds to cover all of the costs of fees for such examinations; such activities may also include the costs of dual or concurrent enrollment in postsecondary coursework.
 - Components of a personalized learning approach, which may include high-quality tutoring. 20 U.S.C. § 6303b(c)(3).
- Further, BIE may use Title IV, Part A funds to expand school choice through support for a well-rounded education, school safety initiatives, and technology enhancements. 20 U.S.C. § 7116(e). These funding sources are designed to strengthen academic performance.
- Title IV, Part A may help schools support a well-rounded student by offering opportunities to enhance students' academic achievement and digital literacy and providing access to a wide range of disciplines, including arts, music, social studies, and computer science. 20 U.S.C. § 7117.

Implementation Targets

- BIE would rely on ED’s March 31, 2025, and other related guidance to provide technical assistance to BIE-funded schools on using this greater flexibility at the local level ahead of the 2025-26 school year.
- BIE is allowed by statute to use up to three percent of its Title I, Part A allocation.
- BIE would set aside nearly \$1.3 million of that allowable funding allocation for which comprehensive support and identification (CSI) identified and other BIE-funded schools could apply under ESSA Section 1003A.
- BIE may provide information regarding flexibility and technical assistance to support schools that may consider using Title IV and Part A monies to supplement online tutoring or dual enrollment courses for students opting for school choice.
- BIE may also provide information regarding flexibility and technical assistance to support schools that may consider implementing tutoring or dual enrollment during the summer session prior to the 2025-26 school year.

2. Tribally Controlled Schools

Activity Description

- The Tribally Controlled Schools Act of 1988 (TCSA) and the Indian Self-Determination and Education Assistance Act (ISDEAA) provide federally recognized tribes and tribal organizations the ability to manage their own schools through grants or contracts. 25 U.S.C. § 2502(a)(1) (authorizing grants to tribes and tribal Organizations to operate schools); 25 U.S.C. § 5321(a) (directing the Secretary of the Interior to enter into a self-determination contract with a tribal organization to administer agency programs).
- Tribes and tribal organizations that receive TCSA grants or ISDEAA contracts have direct control over the educational administration of their schools. 25 U.S.C. § 2511 (defining, in part, “Tribally controlled school” (TCS) under the TCSA as a school “not directly administered by [BIE].”). TCS are functionally similar to charter schools operating within a state.
- BIE serves approximately 40,000 students representing 226 Indian tribes across its 183 schools in 23 states. 128 of BIE’s 183 K-12 schools are TCS, exercising local control of education.
- The remaining 55 BIE-operated schools (BOS) provide direct education services to tribes who have largely requested such services as part of the federal government’s trust responsibility.

Implementation Targets

- BIE, through its Associate Deputy Directors and Chief Academic Office, will implement local tribal outreach and targeted consultation on July 15, 2025, ahead of the 2025-26 school year on steps to exercise their sovereignty in transitioning their local BOS to TCS, as desired, which will progress beyond the beginning of the 2025-26 school year.

- The July 15, 2025, consultation session is in addition to the broader tribal consultation session, which BIE will host on the EO mechanisms generally on July 14, 2025.
- BIE will develop and finalize a Conversion Guidebook for BOS by the end of Fiscal Year 2025 to support sustained technical assistance sessions beginning in SY 2025-2026.
- This guidebook will assist tribes in exercising their sovereignty and transitioning their local BOS to TCS, as desired, which will progress beyond the 2025-26 school year.

3. Tribal Education Departments

Activity Description

- Tribal Education Departments (TEDs) are departments or divisions within Indian tribes responsible for planning and coordinating educational programs for their tribe.
- TEDs help tribes improve their planning and strengthen their school processes at the local level, thus increasing local efficiencies and effectiveness and improving educational outcomes for students through engagement and management with BIE-funded schools.
- Through annual appropriations, the BIE provides grants and ISDEAA contracts for technical assistance to tribes for the development and operation of TEDs.

Implementation Targets

- Congress consistently funds TEDs at about \$5.9 million per year.
- For the 2025-26 school year, this funding supports the addition of 12 new tribes participating in the program, bringing the total number to 27 TEDs.
- The BIE will provide technical assistance to the TEDs during the summer of 2025 before the 2025-26 school year to help TED grant recipients improve their planning and strengthen their school processes, particularly regarding local curriculum development.
- This work is ongoing and continues through and beyond school year 2025-26.

4. Direct Student Services

Activity Description

- ESEA provides resources for direct student services through concurrent and/or dual enrollment programs. SEAs/LEAs provide students access to college courses while in high school, and the programs are often implemented at the state or local level.
- Currently, 17% of the high schools in the BIE offer concurrent/dual enrollment programming in coordination with local tribal colleges and/or universities.
- Currently, 27% of BIE high schools implement Career and Technical Education (CTE) programming.
- While the BIE does not have a centralized concurrent/dual enrollment program, local BIE schools recognize the support of these valued school choice programs that allow

students to earn college credit and increase their preparation for college and careers while still in high school.

Implementation Targets

- BIE may provide increased flexibility for current funds and provide guidance ahead of the 2025-26 school year on programming that can be developed and integrated locally as it relates to advanced courses, CTE, credit recovery, and high-quality tutoring.
- In coordination with the BIE Office of Human Capital Management, the BIE Chief Academic Office is developing a pilot pathway program for such college and career transition activities.
- The BIE consultation session on July 15, 2025, will include information to receive stakeholder input ahead of the 2025-26 school year on strengthening pathways so identified schools may utilize 1003A funds to further develop such academic programs in alignment with extended learning opportunities for families and students.

Nearby Educational Options & Geographic Isolation of BIE Schools

The geographic isolation of many tribal communities significantly constrains the feasibility of expanded school choice initiatives beyond the proposed mechanisms highlighted in this Plan overview. BIE completed a non-BIE school distance analysis for all 183 of its schools. In this analysis, BIE identified non-BIE institutions that fall within age-appropriate daily travel distances. For elementary school-aged children, BIE considered a 15-mile radius, while for secondary school-aged students, BIE extended the radius to 25 miles. However, it is crucial to note that these distances are often traversed on unimproved dirt and gravel roads, adversely affecting commute times. Consequently, even though a school may be located within the applicable distances noted above, travel could take upwards of an hour or more one-way on a school bus, complicating practicality.

Of BIE's 183 funded schools, only 79 have non-BIE educational institutions within the specified distances. However, most non-BIE schools operate just under the maximum distances identified for this analysis. Moreover, many identified non-BIE schools operate with limited openings for new students. For instance, Red Cloud Indian School, located on the Pine Ridge Reservation, illustrates the challenges families face. While it represents a non-BIE alternative for several BIE schools as based on the analysis metrics, it is a faith-based institution that annually reaches maximum enrollment capacity, necessitating a competitive admissions process for a limited number of new admissions.

For families whose children attend BIE schools within a 25-mile radius of Red Cloud Indian School, this non-BIE alternative does provide a choice to consider for families but is likely not a viable option due to its capacity constraints. As a result, the majority of students in this region would remain without meaningful access to non-BIE schools. This geographic and logistical reality highlights the difficulty in implementing a school choice plan beyond the proposed mechanisms included herein, which presumes availability and access to non-BIE institutions,

especially in regions characterized by limited educational options, long commute times, and competitive admissions processes where such options exist.

About the BIE

The BIE has made notable progress in improving educational outcomes for its approximately 40,000 students representing 226 tribes across its 183 funded schools in 23 states. These 183 K-12 schools include 128 tribally controlled schools exercising local control of education. The other 55 Bureau-operated schools provide direct education services to tribes who have primarily requested such as part of the federal government's trust responsibility. Key BIE student improvements include a steady rise in the four-year adjusted cohort graduation rate, from just over 51% in 2015 to 75% in 2024. Through work initiated under President Trump's first term, the agency has improved its data collection processes, allowing for more accurate tracking of student performance and graduation outcomes. By helping children in BIE schools through expanding educational freedom and opportunity for families with the listed proposed mechanisms, BIE will build on the improvements made and help families and tribes increase their control of locally driven and family-led education systems.