

# 2020 Current Fiscal Year Report: Standards, Assessments, and Accountability System Negotiated Rulemaking Committee

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|   |   |                                 |                                  |
|---|---|---------------------------------|----------------------------------|
| <b>1. Department or Agency</b>  |   | <b>2. Fiscal Year</b>           |                                  |
| Department of the Interior  |   | 2020                            |                                  |
| <b>3. Committee or Subcommittee</b>   |   | <b>3b. GSA Committee No.</b>    |                                  |
| Standards, Assessments, and Accountability System Negotiated Rulemaking Committee |   | 2647                            |                                  |
| <b>4. Is this New Fiscal Year?</b>  | <b>5. Current Charter</b>                 | <b>6. Expected Renewal Date</b> | <b>7. Expected Term Date</b>     |
| No  | 08/17/2018                                | 08/17/2020                      | 08/17/2020                       |
| <b>8a. Was Terminated During Fiscal Year?</b>                                     | <b>8b. Specific Termination Authority</b> |                                 | <b>8c. Actual Term Date</b>      |
| Yes   | Agency Authority                          |                                 | 08/17/2020                       |
| <b>9. Agency Recommendation for Next Fiscal Year</b>                              | <b>10a. Legislation Req to Terminate?</b> |                                 | <b>10b. Legislation Pending?</b> |
| Terminate   | No  |                                 | Not Applicable                   |
| <b>11. Establishment Authority</b> Agency Authority                               |   |                                 |                                  |
| <b>12. Specific Establishment Authority</b>                                       | <b>13. Effective Date</b>                 | <b>14. Committee Type</b>       | <b>14c. Presidential?</b>        |
| 20 U.S.C. 6301  | 04/11/1965                                | Continuing                      | No                               |
| <b>15. Description of Committee</b> Regulatory Negotiations Committee             |   |                                 |                                  |
| <b>16a. Total Number of Reports</b>   | No Reports for this Fiscal Year           |                                 |                                  |
| <b>17a. Open</b>  | <b>17b. Closed</b>                        | <b>17c. Partially Closed</b>    | <b>Other Activities</b>          |
| 0   | 0   | 0                               | 0                                |
| <b>17d. Total</b>   |   |                                 |                                  |
| 0   |   |                                 |                                  |
| <b>Meetings and Dates</b>   |   |                                 |                                  |
| No Meetings   |   |                                 |                                  |

|   | Current<br>FY | Next<br>FY |
|---|---------------|------------|
| <b>18a(1). Personnel Pmts to Non-Federal Members</b>                  | \$0.00        | \$0.00     |
| <b>18a(2). Personnel Pmts to Federal Members</b>                      | \$0.00        | \$0.00     |
| <b>18a(3). Personnel Pmts to Federal Staff</b>                        | \$0.00        | \$0.00     |
| <b>18a(4). Personnel Pmts to Non-Member Consultants</b>               | \$0.00        | \$0.00     |
| <b>18b(1). Travel and Per Diem to Non-Federal Members</b>             | \$0.00        | \$0.00     |
| <b>18b(2). Travel and Per Diem to Federal Members</b>                 | \$0.00        | \$0.00     |
| <b>18b(3). Travel and Per Diem to Federal Staff</b>                   | \$0.00        | \$0.00     |
| <b>18b(4). Travel and Per Diem to Non-member Consultants</b>          | \$0.00        | \$0.00     |
| <b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b> | \$0.00        | \$0.00     |
| <b>18d. Total</b>   | \$0.00        | \$0.00     |
| <b>19. Federal Staff Support Years (FTE)</b>                          | 0.00          | 0.00       |

**20a. How does the Committee accomplish its purpose?**

The Committee advised the Secretary of the Interior (Secretary) through the Bureau of Indian Education (BIE) and the Assistant Secretary-Indian Affairs by proposing regulatory language to fulfill the Secretary's responsibility to define standards, assessments, and accountability system consistent with ESEA section 1111 (20 U.S.C. §6311), as amended, for schools funded by BIE on a national, regional, or Tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools and the process

for requesting a waiver for these definitions. The recommendations are reflected in the final rule found at 25 C.F.R. Part 30, Standards, Assessments, and Accountability System.

**20b. How does the Committee balance its membership?**

Members represent various tribes with bureau funded schools.

**20c. How frequent and relevant are the Committee Meetings?**

The Committee had no meetings during FY2020. The Committee submitted their final report to the Secretary of the Interior on April 1, 2019. The final rule was published on March 26, 2020 and became effective on April 27, 2020. See 85 FR 17009. The Committee successfully accomplished its stated objectives.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The advice and recommendations cannot be obtained from other sources because it is formed through discussion and consensus building with all relevant interest groups sitting at the table. The duties of the Committee were to negotiate in good faith with the goal of drafting regulatory language such that the Committee can approve by consensus the submission of said recommendations to the Secretary.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

Meetings are open to the public.

**21. Remarks**

The Committee did not meet during FY 2020. The Committee submitted their final report to the

Secretary of the Interior on April 1, 2019. The final rule was published on March 26, 2020 and became effective on April 27, 2020. See 85 FR 17009. The Committee successfully accomplished its stated objectives. As a result, the Department of the Interior did not renew the charter and the Committee terminated on August 17, 2020.

## Designated Federal Officer

### Sue Bement Designated Federal Officer

| Committee Members   | Start      | End        | Occupation                                       | Member Designation                       |
|---------------------|------------|------------|--|--|
| Braucher, Lora      | 08/17/2018 | 08/17/2020 | Federal Employee BIE                             | Regular Government Employee (RGE) Member |
| Campbell, Lucinda   | 08/17/2018 | 08/17/2020 | Education Board                                  | Representative Member                    |
| Cuny, Charles       | 08/17/2018 | 08/17/2020 | Oglala Sioux Tribe                               | Representative Member                    |
| Etheridge, Ronald   | 08/17/2018 | 08/17/2020 | Cherokee Nation of Oklahoma                      | Representative Member                    |
| Hamley, Jeffrey     | 08/17/2018 | 08/17/2020 | Federal Employee                                 | Regular Government Employee (RGE) Member |
| Harper, Leslie      | 08/17/2018 | 08/17/2020 | Leech Lake Band of Ojibwe                        | Representative Member                    |
| Hastings, Jimmy     | 08/17/2018 | 08/17/2020 | Federal Employee BIE                             | Regular Government Employee (RGE) Member |
| Jackson, Genevieve  | 08/17/2018 | 08/17/2020 | President, Dine Bi Olta School Board Assoc. Inc. | Representative Member                    |
| Kitsopoulos, Gloria | 08/17/2018 | 08/17/2020 | Oglala Sioux Tribe                               | Representative Member                    |
| McFarland, Amy      | 08/17/2018 | 08/17/2020 | Superintendent                                   | Representative Member                    |
| McLeod, Jennifer    | 08/17/2018 | 08/17/2020 | Tribal Representative                            | Representative Member                    |
| No Runner, Frank    | 08/17/2018 | 08/17/2020 | Superintendent                                   | Representative Member                    |
| Quint, Brian        | 08/17/2018 | 08/17/2020 | Office of the Solicitor                          | Regular Government Employee (RGE) Member |
| Racawan, Tasha      | 08/17/2018 | 08/17/2020 | Navajo Representative                            | Representative Member                    |

|                       |            |            |                           |  |
|-----------------------|------------|------------|---------------------------|--|
| Riel, Brenda          | 08/17/2018 | 08/17/2020 | Office of the Solicitor   | Regular Government Employee (RGE) Member |
| Sandoval, Patricia    | 08/17/2018 | 08/17/2020 | Tribal Representative     | Representative Member                    |
| St. Germaine, Richard | 08/17/2018 | 08/17/2020 | Mille Lacs Band of Ojibwe | Representative Member                    |

**Number of Committee Members Listed: 17**

### Narrative Description

The Committee submitted their final report to the Secretary of the Interior on April 1, 2019. The final rule was published on March 26, 2020 and became effective on April 27, 2020. See 85 FR 17009. The Committee successfully accomplished its stated objectives. As a result, the Department of the Interior did not renew the charter and the Committee terminated on August 17, 2020.

### What are the most significant program outcomes associated with this committee?

Checked if Applies

|   |                                     |
|---|-------------------------------------|
| Improvements to health or safety                  | <input type="checkbox"/>            |
| Trust in government                               | <input checked="" type="checkbox"/> |
| Major policy changes                              | <input checked="" type="checkbox"/> |
| Advance in scientific research                    | <input type="checkbox"/>            |
| Effective grant making                            | <input type="checkbox"/>            |
| Improved service delivery                         | <input checked="" type="checkbox"/> |
| Increased customer satisfaction                   | <input checked="" type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other   | <input type="checkbox"/>            |

### Outcome Comments

Not Applicable

### What are the cost savings associated with this committee?

Checked if Applies

|      |                          |
|------|--------------------------|
| None | <input type="checkbox"/> |
|------|--------------------------|

|                            |                                     |
|----------------------------|-------------------------------------|
| Unable to Determine        | <input checked="" type="checkbox"/> |
| Under \$100,000            | <input type="checkbox"/>            |
| \$100,000 - \$500,000      | <input type="checkbox"/>            |
| \$500,001 - \$1,000,000    | <input type="checkbox"/>            |
| \$1,000,001 - \$5,000,000  | <input type="checkbox"/>            |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/>            |
| Over \$10,000,000          | <input type="checkbox"/>            |
| Cost Savings Other         | <input type="checkbox"/>            |

### **Cost Savings Comments**

Not Applicable

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

25

### **Number of Recommendations Comments**

In total, the Committee provided 25 recommendations to the Bureau of Indian Education. Of the 25 recommendations, 13 were directly for the incorporation into the Final Rule for 25 CFR Part 30, and the remaining 12 were directly for the incorporation into the BIE's Agency Plan. To provide a detail list of recommendations the Committee provided, please refer to the documents provided: 1. Committee Recommendations Incorporated into the Agency Plan; and 2. Committee Recommendations incorporated into the Final Rule.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

0%

### **% of Recommendations Fully Implemented Comments**

The recommendations directly affect the Bureau of Indian Education's school year. The BIE will be implementing the amended regulations at 25 CFR Part 30 for the School Year 2020-2021. The BIE is also collaborating with the Department of Education to ensure compliance with ESEA as amended by the ESSA. The BIE will need at least a few years of implementation of the 25 CFR Part 30 and Agency Plan to determine if there are further actions to be taken on the Committee's remaining recommendations.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

84%

### **% of Recommendations Partially Implemented Comments**

The recommendations directly affect the Bureau of Indian Education's school year. The BIE will be implementing the amended regulations at 25 CFR Part 30 for the School Year 2020-2021. The BIE is also collaborating with the Department of Education to ensure compliance with ESEA as amended by the ESSA. The BIE will need at least a few years of implementation of the 25 CFR Part 30 and Agency Plan to determine if there are further actions to be taken on the Committee's remaining recommendations.

### **Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

### **Agency Feedback Comments**

Feedback is reflected in the preamble of the final rule published on March 26, 2020 and became effective on April 27, 2020. See 85 FR 17009. Also, to provide a detail list of recommendations the Committee provided, as well as feedback from the BIE, refer to the documents provided: 1. Committee Recommendations Incorporated into the Agency Plan; and 2. Committee Recommendations incorporated into the Final Rule.

### **What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Reorganized Priorities            | <input checked="" type="checkbox"/> |
| Reallocated resources             | <input checked="" type="checkbox"/> |
| Issued new regulation             | <input checked="" type="checkbox"/> |
| Proposed legislation              | <input type="checkbox"/>            |
| Approved grants or other payments | <input type="checkbox"/>            |
| Other                             | <input type="checkbox"/>            |

### **Action Comments**

The Committee submitted their final report to the Secretary of the Interior on April 1, 2019. The final rule was published on March 26, 2020 and became effective on April 27, 2020. See 85 FR 17009. The Committee successfully accomplished its stated objectives.

### **Is the Committee engaged in the review of applications for grants?**

No

### **Grant Review Comments**

Not Applicable

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

- |                           |                                     |
|---------------------------|-------------------------------------|
| Contact DFO               | <input type="checkbox"/>            |
| Online Agency Web Site    | <input type="checkbox"/>            |
| Online Committee Web Site | <input checked="" type="checkbox"/> |
| Online GSA FACA Web Site  | <input type="checkbox"/>            |
| Publications              | <input checked="" type="checkbox"/> |
| Other                     | <input type="checkbox"/>            |

**Access Comments**

Committee webpage and documents are located at [www.bie.edu](http://www.bie.edu)