



Highlights of [GAO-08-1125T](#), a report to the Subcommittee on Early Childhood, Elementary and Secondary Education, Committee on Education and Labor, House of Representatives

Why GAO Did This Study

The No Child Left Behind Act (NCLBA) requires states and the Department of the Interior's Bureau of Indian Education (BIE) to define and determine whether schools are making adequate yearly progress (AYP) toward the goal of 100 percent academic proficiency. To address tribes' needs for cultural preservation, NCLBA allows tribal groups to waive all or part of BIE's definition of AYP and propose an alternative, with technical assistance from BIE and the Department of Education, if requested. GAO is providing information on the extent of (1) BIE schools' adoption of BIE's definition of AYP; (2) tribal groups pursuit of alternatives and their reasons, as well as reasons for not pursuing alternatives; and (3) federal assistance to tribal groups pursuing alternatives. To prepare this testimony, GAO relied primarily on information from a recent GAO report, [GAO-08-679](#), and contacted BIE officials for updates on actions taken in response to GAO's prior recommendations.

To view the full product, including the scope and methodology, click on [GAO-08-1125T](#). For more information, contact Cornelia Ashby at (202)-512-7215 or AshbyC@gao.gov.

BUREAU OF INDIAN EDUCATION

Improving Interior's Assistance Would Aid Tribal Groups Developing Academic Accountability Systems

What GAO Found

Although almost all of the 174 BIE schools have officially adopted BIE's definition of AYP—the definition of AYP of the state where the school is located—BIE had not yet completed memoranda of understanding (MOU) to delineate BIE and state responsibilities concerning BIE schools' access to the states' assessment systems for 12 of the 23 states with BIE schools. Without MOUs, states could change their policies regarding BIE schools' access to assessments and scoring services.

Officials from the Navajo Nation, the Oceti Sakowin Education Consortium, and the Miccosukee Tribe have begun to develop alternatives to state AYP definitions, in part to make standards and assessments reflect their culture, while officials of other tribal groups have cited challenges, such as a lack of expertise, as reasons not to pursue alternatives. The three tribal groups developing alternatives, representing about 44 percent of the 48,000 BIE students, have requested technical assistance in developing their alternatives. Other tribal officials cited a desire to maintain compatibility with public schools and/or cited challenges, such as a lack of expertise, as reasons not to pursue alternatives.

The three tribal groups pursuing alternatives reported a lack of federal guidance and communication, although they have recently received some initial technical assistance from BIE and Education officials. These tribal groups reported receiving little guidance from BIE and difficulties in communicating with BIE and the BIE did not always have internal response timelines or meet the ones it had. Moreover, BIE education line officers—the primary points of contact for information on the alternative provision—generally indicated that they had received no guidance or training on the provision. During the course of GAO's prior review, BIE and Education officials began offering technical assistance to the tribal groups working to develop alternatives.

In response to GAO's recommendations in its June 2008 report that the Secretary of the Interior increase support, including technical assistance, guidance, training, and communication for tribal groups in their implementation of the provision for developing alternatives, BIE has taken several steps. In particular, BIE officials told GAO that they are in the process of working out the language for a memorandum of agreement with California state officials. In addition, BIE officials told GAO that the three tribal groups seeking alternatives were working closely with a contractor to develop proposals. With regard to the recommendation to provide guidelines and training on the process for pursuing alternative assessments, BIE officials told GAO that they have taken steps to develop a presentation on the process that they anticipated would be available in October 2008.