



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

APR 14 2021

Dear Tribal Leader:

On February 22, 2021, the U.S. Department of Education (ED) issued guidance providing flexibilities in administering School Year (SY) 2020-2021 assessments required by the Elementary and Secondary Education Act of 1965 (ESEA), Pub. L. 89-10, as amended.<sup>1</sup> The BIE's implementing regulations of the ESEA, as amended, require the Bureau of Indian Education (BIE) to administer unified assessments each SY. The ED's assessment flexibilities included (1) extending the testing window, (2) moving assessments to the summer or fall, and (3) shortening the state assessment in an effort to make testing more feasible to implement and prioritize in-person learning time.

While BIE acknowledges it is critically important to measure student achievement and hold all students to the highest expectations, the current COVID-19 pandemic has had a disproportionate impact on our students' communities. The BIE has received numerous requests from various entities, including Tribes and BIE-funded schools, to waive the requirement to administer BIE's unified assessments this school year.

The BIE would like your input on whether BIE should request a waiver of assessment requirements for the 2020-2021 School Year (SY) from ED for the protection of the health and safety of students, staff, and their communities, which have been impacted by the COVID-19 pandemic. Alternatively, should BIE utilize the flexibilities noted above?

The BIE welcomes your input into the following questions:

- 1) The Department of Education has given the flexibility to conduct Spring 2021 assessments in the Fall 2021. Given the negative impact of COVID-19 on instruction and student social behavioral health, should BIE conduct Spring 2021 assessments this Fall?
- 2) The BIE respects Tribes' decisions to ensure the health and safety of their community members. A majority of BIE-funded schools are open remotely and in-person testing is not feasible. Should BIE request a system-wide waiver (rather than delay) of assessments for school year 2020-2021?

In order to allow sufficient time for schools to plan assessments for the summer or fall, BIE is seeking an expedited consultation. The schedule of consultation is as follows:

- May 4, 2021: 3:00 p.m. – 4:00 p.m.
- May 5, 2021: 3:00 p.m. – 4:00 p.m.

Please register in advance for these sessions at:

<https://www.zoomgov.com/meeting/register/vJItcumgqjMvH9cg5ttOrsDY0KmZB1IuLJQ>

After registering, you will receive a confirmation email containing information about joining the meeting. Each day of Tribal consultation session will be followed by a public session from 4:00 p.m. - 5:00 p.m. ET.

The BIE will accept both oral and written comments. Written comments may be emailed to [consultation@bia.gov](mailto:consultation@bia.gov) or by postal mail to Bureau of Indian Education, Ms. Juanita Mendoza, 1849 C Street NW MIB-3612, Washington, DC 20240. Comments must be received on or before 11:59 p.m. ET, Friday, May 7, 2021. Questions regarding the Tribal consultations may be directed to Dr. Tamarah Pfeiffer, Chief Academic Officer, Bureau of Indian Education via fax: (505) 563-3043 or email: [Tamarah.Pfeiffer@bie.edu](mailto:Tamarah.Pfeiffer@bie.edu).

Sincerely,



Bryan Newland  
Principal Deputy Assistant Secretary –  
Indian Affairs

Cc: Chief Academic Officer  
Associate Deputy Bureau Director, School Operations  
Associate Deputy Director – Bureau Operated Schools  
Acting Associate Deputy Director – Tribally Controlled Schools  
Acting Associate Deputy Director – Navajo Schools

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<sup>i</sup> <https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-states-assessing-student-learning-during-pandemic>