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November 13, 2012

**MEMORANDUM**

**TO:** Legislative Education Study Committee

**FR:** Mark Murphy

**RE: STAFF REPORT: BUREAU OF INDIAN EDUCATION (BIE): STUDENT TRANSFER ISSUES**

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This report is in response to a request by members of the Legislative Education Study Committee (LESC) for information relating to the conditions and consequences of students transferring from Bureau of Indian Education (BIE) schools to non-BIE schools<sup>1</sup> in New Mexico.

For the committee’s review, this staff report contains information on the following:

- overview of BIE operations;
- types of student transfers:
  - grade promotion; and
  - student mobility;
- student educational record transfers;
- current laws governing student educational record transfers;
- curriculum alignment;

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<sup>1</sup> For this report, “non-BIE schools” refer to all New Mexico public schools that are not affiliated with and that do not receive funding from the BIE nationwide educational system.

- policy options the committee may wish to consider; and
- background.

### *Presenters*

Testimony to the committee on this topic includes:

- Mr. Stanley Holder, Acting Associate Deputy Director for the Division of Performance and Accountability within the BIE, who will provide a general overview of the operation of BIE schools as well as pertinent information relating to student transfer issues; and
- Ms. Vicki Smith, Superintendent, Cuba Independent Schools, who will discuss experiences related to the transferring of students between BIE and Cuba Independent Schools, with a focus on grade promotion transfers.

LESC staff also requested that the Laguna Department of Education present on various questions regarding student mobility transfers, but unfortunately a representative was unable to attend this meeting.

### **Overview of BIE Operations**

#### *New Mexico*

According to the BIE's national directory, in New Mexico, the BIE funds 45 schools (see Attachment 1, *2010-2011 New Mexico BIE/Grant Schools*) which, per LESL staff calculations, served more than 9,000 American Indian students in grades K-12 in school year 2010-2011. New Mexico's BIE schools are predominantly located in the Northwestern region of the state on or near American Indian reservation land.

In total, for primary and secondary education, there are:

- 25 schools in New Mexico operated and funded directly by BIE where BIE retains direct control and authority for operations; and
- 20 BIE grant schools in New Mexico that are tribally operated.

#### *Funding*

According to federal policy,<sup>2</sup> BIE grant schools receive funding through BIE, however, governing authority for the school is provided to a tribally controlled governing body representing one tribe or a consortium of tribes. This arrangement comes as a result of federal policy that supports tribal self-determination and self-governance.<sup>3</sup>

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<sup>2</sup> Public Law 100-297 of 1988 provides for federal grants to allow BIE schools to be tribally run.

<sup>3</sup> Public Law (P.L.) 93-638 of 1975 provides for federal contracts to allow BIE schools to be tribally run. Both P.L. 100-297 and P.L. 93-638 expand tribal authority in the governance of BIE schools and promote tribal self-determination and self-governance.

In addition to the 45 primary and secondary BIE schools in New Mexico, the BIE also funds and operates one postsecondary institution, the Southwestern Indian Polytechnic Institute, located in northwest Albuquerque.

#### *BIE as a State Educational Agency (SEA)*

According to the BIE's recent *Elementary and Secondary Education Act (ESEA)* flexibility request, for both BIE-operated and BIE grant schools serving students in primary or secondary education, the BIE operates as the SEA. In this capacity, according to a 2005 agreement between the US Department of the Interior (DOI) and the US Department of Education (USDE), the BIE:

- provides assistance to BIE schools to help them implement and enforce:
  - the adoption and use of Adequate Yearly Progress (AYP) definitions; and
  - the use of the school accountability system applicable to BIE schools specified in Title I, Part A of the *No Child Left Behind Act of 2001 (NCLB)*;
- monitors the activities and recordkeeping of BIE schools;
- documents the purpose, scope, and results of such monitoring;
- provides appropriate technical assistance and enforcement measures;
- systematically analyzes the results of local educational agency audits and other oversight activities to identify trends in findings and improvements in monitoring; and
- submits performance reports and other information required of all states to the USDE.

#### *BIE as a Local Educational Agency (LEA)*

According to BIE's ESEA flexibility request, the BIE system currently has a unique arrangement for what is considered as an LEA. Generally, for BIE schools, the Education Line Office (ELO) acts as the LEA. There are some contradictions regarding this in federal law, however. A 2005 agreement between DOI and USDE states that all BIE schools assume the responsibilities of both LEAs and schools while NCLB specifically defines a "tribally controlled school" as a school and not an LEA. Thus, there appears to be a lack of clarity as to whether the school, tribal authority in charge of BIE grant schools, or the ELO has the responsibility to act as the LEA. BIE is currently requesting clarity from the federal government with regard to this issue through their ESEA flexibility request.

#### **Types of Student Transfers**

According to a 2004 Education Week article on student mobility, student transfers between schools result from one of the following two situations:

- *Grade promotion*: the switching of schools because the student has completed the final grade served at their previous school; or
- *Student mobility*: the switching of schools for reasons other than grade promotion.

While definitions of types of student transfers can vary,<sup>4</sup> such definitions generally appear to distinguish between transfers that take place due to grade promotion and transfers that take place due to student mobility.

### *Grade Promotion*

According to BIE school and non-BIE school staff, student transfers between BIE and non-BIE schools due to grade promotion regularly occur in New Mexico. This type of transfer takes place at a predictable time in a student's academic progression, allows for a summer break between the transfers, and often occurs in cohorts of students. It also appears to primarily involve schools in surrounding geographic areas.

School employees further articulate that for some American Indian students, after attending a BIE school during Kindergarten, K-2, K-3, K-4, K-7, or K-8, a transfer to a non-BIE public school becomes necessary as a result of geographic proximity to the non-BIE school. An LESC staff review found that while 34 of the BIE's schools in New Mexico provide some form of primary education services, only 11 serve students in grades 9-12. This appears likely to lead many students to enroll in non-BIE schools as a result of grade promotion when they approach high school. BIE is also unable to receive funding for grade level expansion at existing schools.<sup>5</sup> Since 1996, in accordance with federal appropriation legislation passed by Congress, BIE has been prohibited from funding the expansion of grade level offerings at any BIE school beyond what was in place on October 1, 1995.

One particular example of student transfers from BIE to non-BIE schools due to grade promotion is with students residing and attending school within miles of Cuba, New Mexico. The following three BIE schools with Cuba mailing addresses are: (1) Pueblo Pintado Community School; (2) Na'Neelzhiin Ji'Olta Community School; and (3) Ojo Encino Day School, all serve students for grades K-8. Each school feeds a number of students into Cuba High School of Cuba Independent Schools at the start of ninth grade. According to annual 40<sup>th</sup> day enrollment data from the Public Education Department (PED), every year since at least 1998-1999, ninth grade enrollment at Cuba High School approximately doubles the enrollment of any first through eighth grade class in Cuba Independent Schools. Table A, below, illustrates the most recent figures from school years 2007-2008, 2008-2009, and 2009-2010 as an example of this trend. Given that this trend has held consistently since 1998-1999, it appears likely that numerous students will transfer to Cuba High School in each upcoming year due to grade promotion from the surrounding BIE schools.

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<sup>4</sup> Eddy, Lisa, "The Effect of Student Mobility On Student Achievement" (2011). *University of Kentucky Doctoral Dissertations*. Paper 177. [http://uknowledge.uky.edu/gradschool\\_diss/177](http://uknowledge.uky.edu/gradschool_diss/177)

<sup>5</sup> Walke, Roger. *Federal Indian Education Programs: Background and Issues*. Congressional Research Service Report for Congress: October 9, 2007.

**Table A.** Annual 40<sup>th</sup> Day Membership Enrollment Data from School Year 2007-2008, 2008-2009, and 2009-2010

		Grade Level											
		1	2	3	4	5	6	7	8	9	10	11	12
		Student Enrollment											
<b>Cuba Independent Schools</b>	SY 2009-2010	25	42	39	44	44	44	39	<u>47</u>	<u>109</u>	73	62	73
	SY 2008-2009	36	33	40	39	36	35	45	<u>43</u>	<u>100</u>	101	100	75
	SY 2007-2008	27	39	38	29	29	41	46	<u>43</u>	<u>99</u>	94	88	84

**Source:** PED 40<sup>th</sup> Day Enrollment Data by District and Grade Level

In other instances, some students who attend non-BIE schools during K-8 transfer to a BIE high school for grades 9-12. This may be as a result of geographic location and proximity to a school facility that has never served a student’s grade level until this point in time. An example of this would be a student attending K-8 in the Gallup McKinley County Schools and transferring to Wingate High School located east of Gallup to attend the ninth grade.

### *Student Mobility*

Student mobility refers to student transfers that occur for reasons other than grade promotion.<sup>6</sup> Concern regarding high mobility rates for American Indian students is frequently raised in academic and policy circles;<sup>7</sup> however, numerous constraints, such as low sample sizes, make it difficult for researchers to conduct an accurate and conclusive study of American Indian student mobility.<sup>8</sup>

This type of student transfer, which might be the result of a change of residence for the student, provides distinct challenges for BIE and non-BIE school site personnel. Different than grade promotion, student mobility occurs when an individual student changes schools during the school year, at a time when the rest of his or her cohort is not also transferring schools. As a result, student record transfers appear to be more urgent because the student may immediately enroll at a new school. This type of transfer may also occur at busy moments during the school year when school site personnel are occupied with other duties and responsibilities.

### **Student Educational Record Transfers**

A University of Illinois study on student mobility and academic achievement indicates that student mobility transfers diminish a student’s high school graduation prospects. It also indicates that there are multiple ways parents and schools can support transferring students, including ensuring that a child’s school records are forwarded from the previous school to the

<sup>6</sup> “Student Mobility,” Education Week, August 4, 2004.

<sup>7</sup> *Student Mobility in Rural and Nonrural Districts in Five Central Region States*, Institute of Education Sciences, June 2010.

<sup>8</sup> Zehr, Mary Ann. “Mobility of Native American Students Can Pose Challenges to Achievement,” Education Week, October 10, 2007.

new school in a timely manner.<sup>9</sup> The prompt transmission of information about the student between the receiving school and the previous school seems likely to enhance the probability of students being appropriately placed in classes at the new school and receiving any required accommodations and or modifications.

In conversations between LESC staff and individuals in communities where the transfers between BIE and non-BIE schools seem to occur frequently, concerns have been raised regarding the efficiency of student record transfers. In some instances, individuals articulate that record transfers simply may not occur between schools. It also appears that educational record transfers are a concern for both grade promotion transfers and student mobility transfers.

## **Current Laws Governing Student Record Transfers**

### *Federal Law*

According to BIE staff, the BIE follows federal policies regarding the maintenance and transferring of student records. Non-BIE schools in New Mexico are also required to adhere to the same federal provisions, which include:

- The *Federal Educational Rights and Privacy Act (FERPA)*, which:
  - prohibits schools from disclosing student educational records without parental or student consent, except in certain instances, including at the request of officials of another educational agency or institution when a student seeks or intends to enroll in another school; and
  - requires a school, in the event that it discloses student educational records without parental or student consent, to make a reasonable attempt to notify the parent or eligible student of the disclosure of the educational records.
- The *McKinney-Vento Homeless Education Act*, which:
  - requires schools to provide for the immediate enrollment of a student, even if paperwork or immunization enrollment requirements are not met, if the student meets the criteria of a homeless student, as specified;<sup>10</sup> and
  - requires the enrolling school to immediately contact the school last attended by the child to obtain relevant academic or other records.
- The *Individuals with Disabilities Education Act (IDEA)*, which:
  - requires the new school in which the child enrolls to take reasonable steps to promptly obtain the child's records, including the individualized education program (IEP) and supporting documents and any other records relating to the provision of special education or related services to the child; and

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<sup>9</sup> Rumberger, R.W. *Student Mobility and Academic Achievement*, Educational Research Information Center, Clearinghouse on Elementary and Early Childhood Education, June 2002.

<sup>10</sup> According to the McKinney-Vento Homeless Education Act, a homeless child or youth is an individual who lacks a fixed, regular, and adequate nighttime residence.

- requires the previous school to take reasonable steps to promptly respond to such a request.

### *State Law*

While BIE staff indicates that many BIE schools in New Mexico adhere to state law, it does not appear that BIE schools are required to follow state law. Non-BIE schools in New Mexico, however, must abide by the following provisions in State of New Mexico statutes and administrative code rules:

- The *Inspection of Public Records Act*, which:
  - requires that school districts and charter schools maintain and retain specified student records in accordance with defined retention schedules.
- The *New Mexico Administrative Code* (NMAC) Standards for Excellence [*Section 6.29.1.9*], which:
  - requires that transcripts and copies of pertinent records, including disciplinary records with respect to suspension and expulsion, be promptly forwarded upon written request by the receiving school.
- The NMAC section pertaining to children with disabilities [*Section 6.31.2.1*], which generally aligns with the federal IDEA requirements, but provides particular details as follows:
  - requires that the following items be transferred to the school where a student with disabilities seeks, intends or is instructed to enroll:
    - IEP documents and supporting materials;
    - student disciplinary records;
    - student transcripts; and
    - copies of all pertinent records as normally transferred for all students.

According to BIE staff, in 2005 a Memorandum of Understand (MOU) was proposed between the BIA's Office of Indian Education Programs (which was renamed BIE on August 29, 2006) and the State of New Mexico to address operational issues as they pertained to student accountability systems. According to the MOU (see Attachment 3, *Understanding between PED and BIA's Office of Indian Education Programs*) it appears that there would have been some alignment of protocols around transferring student performance data records between BIE and PED. According to a 2008 Government Accountability Office report, however, the MOU never received final approval because the Governor of New Mexico at that time rescinded it due to tribal groups expressing that they had not been involved in the process. As a result, BIE schools do not appear to be obligated to follow New Mexico statutes and rules regarding student record retention and transfer.

## *Local School District and School Policies*

Finally, non-BIE schools in New Mexico may also be governed by local school district and or school policies specifying appropriate actions regarding student record transfers that fall in accordance with state and federal law. These policies can vary from district to district and sometimes even down to the school level, but often provide greater specificity than state or federal law. For example, according to Tohatchi High School's (THS) student handbook, in most cases students leaving THS must complete the withdrawal process and clear all financial obligations prior to the school sending records to the new school where the student intends to enroll.

It is unclear if bodies acting as the LEA within the BIE set similar policies regarding student record transfers.

### **Curriculum Alignment**

In addition to student record transfers, another focus point when students transfer between BIE and non-BIE schools is in regard to curriculum alignment. It appears that school districts have concerns that there is a lack of curriculum alignment between the two systems, making it difficult for students to successfully transfer between the two systems. This seems to be of particular interest in communities where grade promotion transfers are prominent.

Currently, there do not appear to be policies or regulations requiring or driving the alignment of school curriculum between the two systems. Any curriculum alignment that may be taking place seems likely to be occurring as a result of arrangements between individual schools. At the time of this report, no specific examples of curriculum alignment between BIE and non-BIE schools in New Mexico had been encountered by LESC staff. One school employee indicated, however, that the use of common sets of academic standards provides some alignment between the two systems.

### **Policy Options the Committee May Wish to Consider**

The following two options are provided for the committee's consideration

#### *Option 1*

- Implementing an inter-governmental/nation compact between the State of New Mexico, the BIE, and the tribal governments overseeing BIE grant schools in New Mexico that provides clear procedural guidelines in regards to the following:
  - the transfer of student educational records
    - for grade promotion transfers (i.e. transitioning from grade 8 to grade 9); and
    - for student mobility transfers that may occur at unpredictable moments throughout the year; and
  - the alignment of curriculum between feeder schools.

The Inter-state Military Family Compact (see Attachment 2), *Excerpts of the Inter-state Military Family Compact*) that New Mexico joined in 2010 may help to provide a structure and template for the crafting of such a compact. While much of the Inter-state Military Family Compact would not be pertinent to include for a compact regarding students transferring between the BIE and non-BIE schools, there are structures of the agreement and sections dealing with records and attendance that do appear to be relevant.

### *Option 2*

- Encouraging the implementation of a revised MOU between the BIE and the State of New Mexico for the alignment of certain services to students including direct specifications about student record transfers.

## **Background**

According to the BIE's ESEA flexibility request, the BIE is a federal agency operating within the DOI that oversees and funds a nationwide school system. The system provides education for more than 45,000 American Indian and Alaska Native students nationwide in 173 elementary and secondary schools located on 64 reservations and in 23 states. BIE also operates 10 peripheral dormitories located near BIE schools, which do not have academic programs. In total, there are 58 BIE operated schools and 115 contract/grant BIE schools. All BIE schools have school-wide Title I programs and over 56 percent of all BIE students attend schools in the following four states:

- New Mexico;
- Arizona;
- South Dakota; and
- North Dakota.<sup>11</sup>

Thirty-two percent of all BIE students are identified as students with limited English proficiency (LEP) and 14.4 percent require special education services in accordance with the IDEA.<sup>12</sup>

The BIE represents the fulfillment of the federal government's trust responsibility to provide educational services to schools serving American Indian tribes. This trust responsibility has been well established in federal treaties and has been recognized by courts, the Congress, and the executive branch.

As mentioned in the overview of BIE operations in New Mexico, BIE, especially in relation to accountability procedures, acts as the SEA for BIE schools. On September 6, 2012, the BIE submitted a formal ESEA flexibility request to the USDE.

One of the actions highlighted in the request is the implementation of Common Core standards. BIE also specifies that it is planning to use the Partnership for Assessment of College and Career Readiness (PARCC) assessment, the Smarter Balanced assessment, or an interim assessment developed within BIE as the basis for a uniform accountability system moving

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<sup>11</sup> BIE's ESEA Flexibility Request to the USDE. February 10, 2012.

<sup>12</sup> Statistics obtained from the 2010-2011 BIE system-wide School Report Card.

forward. According to BIE's flexibility request, this would represent a significant improvement in accountability requirements for BIE who, in accordance with NCLB, has measured AYP using the different state accountability measures in each of the states where BIE schools are located. This arrangement has made it difficult for BIE to compare student progress within the BIE system and has created burdensome administrative challenges for the accountability division of BIE in recent years.

Given New Mexico's recent adoption of the Common Core standards and the PARCC assessment, the use of the same Common Core standards may help better align curricula and grade level expectations across the two systems. According to the PED's Common Core website, PED is expecting full implementation in New Mexico by school year 2014-2015. According to BIE's flexibility request, BIE is also anticipating full implementation by school year 2014-2015.

At the time of this report, the USDE had still not rendered a decision on whether or not to grant the BIE's flexibility request. When LESC staff requested information regarding when a decision might be provided, USDE stated that "the Department works with the SEA, or in this case, the BIE, through an iterative process toward approval and is therefore dependent upon the unique circumstances of each State or entity." As a result, a likely completion date was not able to be provided.

Finally, an LESC staff review of the State of New Mexico's *Indian Education Act* does not reveal any specific provisions regarding the transfer of records or the alignment of curriculum between BIE and non-BIE schools in New Mexico.

## 2010-2011 New Mexico BIE/Grant Schools

New Mexico's BIE (Bureau of Education) and Grant schools are listed in this directory in the order of the agency/school in which they are located. BIE/Grant Schools, accredited by the PEC through an approved educational accrediting agency must meet the educational standards of the agency.

School Code	AGENCY/SCHOOL	ADDRESS	NAME/TITLE	PHONE	FAX	BIE or Grant	EMAIL
	<b>NM NAVAJO SOUTH</b>	301 West Hill, Rm. 118 Gallup, NM 87301	<b>Dr. Rena Yazzie, ELO</b>	505-753-1465	505-753-1475		ryazzie@bia.edu
90001	Alamo Navajo Community School	P.O. Box 907 Magdalena, NM 87826	Alfonso Garcia, Supt.	505-854-2636	505-854-2546	Grant	agarcia@alamo.bie.edu
90007	Baca /Dlo'ay Azhi Comm	P.O. Box 509 Prewitt, NM 87045	Timothy Nelson, Principal	505-878-2789	505-878-2310	B/E	tnelson@baca.bie.edu
90004	Bread Springs Day School	P.O. Box 1117 Gallup, NM 87305	Carl Granfors, Principal	505-778-6665	505-778-6692	B/E	cgranfors@bie.edu
90142	Chi-Ch'itah (Jones Ranch)	P.O. Box 278 Vanderwagon, NM 87326	George Waybenals, Principal	505-778-6574	505-778-6575	B/E	gwaybenals@yahoo.com
90026	Ch'oosgaal Comm	P.O. Box 321 Tobatchi, NM 87325	Melanie Haskan, Act Prin	505-733-2708	505-733-2703	Grant	Mel003@yahoo.com
90180	Tohsali (Toadsina)	P.O. Box 9857 Newcomb, NM 87455	Dr. Loreta Wheeler, Principal	505-789-3201	505-789-3202	B/E	lwheeler@tohsali.bie.edu
90170	To'haajilee'He (Cannonito)	P.O. Box 3438 Cannonito, NM 87026	Jane E. Pitts, Principal	505-831-6426	505-836-4914	Grant	jpitts@tcs.bie.edu
90147	Wingate Elementary	P.O. Box 1 Fort Wingate, NM 87316	Dianne T. Owens, Principal	505-488-6300	505-488-6312	B/E	dowens@wes.bie.edu
90037	Wingate High School	P.O. Box 2 Fort Wingate, NM 87316	Gloria Arviso, Act. Principal	505-488-6401	505-488-6444	B/E	garviso@whs.bie.edu
	<b>NM NAVAJO CENTRAL</b>	P.O. Box 328 Crowpoint, NM 87313	<b>Charlotte Garcia, Educ. Program Administrator</b>	505-788-6152	505-788-6112		Charlotte.Garcia@bie.edu
90065	Dibe Yazhi Habbit'n O'ta	P.O. Box 679 Crowpoint, NM 87313	Glen Whiteeagle, Principal	505-786-6237	505-786-7078	Grant	gw_g1@yahoo.com
90002	Dzith-Na-O-Dith-He	35 Rd 7565 #5003 Bloomfield, NM 87413	Freda Nella, Principal	505-632-1697	505-632-8563	Grant	fk_nella@yahoo.com
	Hanaa'di Comm. Sch.	PO Box 639 Bloomfield, NM 87413	Dwane Robinson, Principal	505325-3411	505-327-3591	Grant	drobison@bie.edu
90145	Lake Valley Navajo	P.O. Box 748 Crowpoint, NM 87313	Geraldine Thomason, Principal	505-788-6382	505-788-6968	B/E	gthomason@bie.edu
90006	Mariano Lake	P.O. Box 787 Crowpoint, NM 87313	Debra P. Bitally, Principal	505-788-6265	505-788-6203	B/E	dbitally@bie.edu
90005	Na'Neelzhin J'olta	HCR-79 Box 6 Cuba, NM 87103	Sylvia Largo, Principal	505-731-2272	505-731-2252	Grant	Slargo1@yahoo.com
90133	Ojo Encino Day School	HCR-79 Box 7 Cuba, NM 87103	Daniel Marin, Principal	505-731-2333	505-731-2361	B/E	daniel.marin042@gmail.com
90086	Pueblo Pintado Comm. Sch	HCR-79 Box 80 Cuba, NM 87103	Notah Benally, Act. Principal Sandra Weipper, Act. Prin.	505-655-3341	505-655-3342	B/E	pbenally@pccs.bie.edu sweipper@bie.edu
90090	Tlata'ozai Bi'o'ta	P.O. Box 178 Crowpoint, NM 87313	Virginia L. Jumbo, Principal	505-786-6159	505-786-6163	B/E	vjumbo@bie.edu
90092	Tse'Wah Comm	P.O. Box 828 Crowpoint, NM 87313	Rebecca G. Vesely, Principal	505-786-6389	505-726-5635	B/E	rvesely@bie.edu
	<b>NM NAVAJO NORTH</b>	P.O. Box 3239 Shiprock, NM 87420	<b>Dr. Joel Longie, ELO</b>	505-368-3400	505-368-3409		jlongie@bie.edu
90029	Atsa' B'ya' a'zh (Elem.)	P.O. Box 1809 Shiprock, NM 87420	Dr. Leo Johnson, Principal	505-368-2100	505-368-2078	Grant	ljohnson@sasi.bie.edu
	Aztec Dormitory	1600 Lydia Rippery Rd. Aztec, NM 87410	Kaye Belin, Director	505-334-6565	505-334-8830	Grant	kbelin@bie.edu
90008	Bedabito Day School	P.O. Box 1200 Shiprock, NM 87420	David Smith, Act. Principal	928-656-3555	928-656-3557	B/E	dsmith@bie.edu
90010	Navajo Preparatory	1220 W. Apache Farmington, NM 87401	John Johnson, Principal	505-326-6571	505-564-8069	Grant	johnson@nps.bie.edu
90140	Nerahnrezad Comm.	P.O. Box 337 Fruitland, NM 87416	Dean Cunningham, Principal	505-698-6022	505-698-0970	B/E	dcunningham@nerah.bie.edu
90027	Sanostee Day School	P.O. Box 159 Sanostee, NM 87481	Elsie Barber, Act. Principal	505-723-2476	505-723-2425	B/E	ebarber@bie.edu
	Shiprock Northwest HS)	P.O. Box 1809 Shiprock, NM 87420	Frank Todacheeny	505-368-2100	505-368-2078	Grant	ftodacheeny@sasi.bie.edu
	Shiprock Reservation Dom	PO Box 1809 Shiprock, NM 87420	Bernadette Todacheene, Director	505-368-2074	505-38-2076	Grant	btodacheene@sasi.bie.edu
	<b>NEW MEXICO SOUTH</b>	1001 Indian School Rd NW Albuquerque, NM 87103	<b>Tony Dearman, ELO</b>	505-563-3692	505-563-3078		tony.dearman@bie.edu
90068	Isleta Elementary School	P.O. Box 550 Isleta, NM 87022	Tony Dearman, Act. Principal	505-869-2321	505-869-1625	B/E	tony.dearman@bie.edu
90130	Jemez Day School	P.O. Box 139 Jemez Pueblo, NM 87024	Freddie Cardenas, Principal	505-834-7304	505-834-7081	B/E	fcardenas@bie.edu
90022	Laguna Elementary School	P.O. Box 191 Laguna, NM 87026	Yolanda Battez, Principal	505-652-9200	505-652-7294	Grant	y.battez@lagunaed.net

To report additions, corrections, or errors, please contact [juliarosa.emslie@state.nm.us](mailto:juliarosa.emslie@state.nm.us) or 505.827.4292

90011	Laguna Middle School	P.O. Box 268 Laguna, NM 87026	Yolanda Batrez, Principal	505-552-4091	505-552-4466	Grant	y.batrez@lagunaed.net
90105	Mescalero Apache	P.O. Box 230 Mescalero, NM 88340	Dr. Charles Harrison, Supt	505-484-4431	505-484-4822	Grant	charrison@mescaleras.org
90033	Pine Hill School	P.O. Box 220 Pine Hill, NM 87367	Sam Alonzo, Superintendent	505-775-3242	505-775-3241	Grant	sAlonzo@phwomons.co
90360	San Felipe Elementary Sch	P.O. Box 4343 San Felipe, NM 87001	John McIntosh, Principal	505-867-3364	505-867-6253	B/E	john@sanfelipe.bie.edu
90176	Sky City Comm. School	P.O. Box 348 Acoma, NM 87034	Pauline Villegas, Principal	505-652-6871	505-652-6872	B/E	pvillegas@bin.edu
90200	Taiya (Zia) Elem/Mid	350 Riverside Dr. Zia Pueblo, NM 87053	Joe Robledo III, Principal	505-867-3553	505-867-5079	B/E	jrobledo@bie.edu
	<b>NEW MEXICO NORTH</b>	P.O. Box 4269 Española, NM 87533	<b>Dr. Benjamin Atencio, ELO</b>	505-753-1466	505-753-1465		batencio@bie.edu
	Jicarilla Dormitory	PO Box 1009 Dulce, NM 87528	David Montoya, Principal	505-759-3101	505-759-3338	Grant	jcarillaresidence@yahoo.com
90110	Othay Owingeh	P.O. Box 1077 San Juan, NM 87566	Patricia Archuleta, Act Prin	505-852-2154	505-852-4305	Grant	archuletapatricia@yahoo.com
90009	San Ildefonso Day School	Route 5, Box 308 Santa Fe, NM 87501	Dolly Nelkug, Principal	505-455-2366	505-455-2155	B/E	dnelkug@bie.edu
90118	Santa Clara Day School	2 Kee St. Española, NM 87532	Robin Rodar, Principal	505-763-4406	505-763-8866	B/E	robin@santaclara.bie.edu
90061	Santa Fe Indian School	P.O. Box 5340 Santa Fe, NM 87502	Patricia Sandoval, Superintendent	505-989-6302	505-989-6319	Grant	psandoval@sfs.k12.nm.us
90148	Taos Day School	P.O. Box 1850 Taos, NM 87571	Patricia Kessler, Principal	505-758-3652	505-758-1566	B/E	pkessler@bie.edu
90190	Te Su Gih Owingeh	Route 42, Box 2 Santa Fe, NM 87506	Ralph Piaz, Principal	505-982-1516	505-982-2090	B/E	rpiaz@bie.edu

To report additions, corrections, or errors, please contact [JuliaRosa.Emaline@state.nm.us](mailto:JuliaRosa.Emaline@state.nm.us) or 505.627.4292

**SOURCE:** Public Education Department School Directory. 2010-2011.

Excerpts from the Interstate Compact on Education Opportunity for Military Children

**11-8B-1. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR  
MILITARY CHILDREN**

ARTICLE 1

PURPOSE

It is the purpose of the Interstate Compact on Educational Opportunity for Military Children to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- A. facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance and age requirements;
- B. facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;
- C. facilitating the qualification and eligibility for enrollment, educational programs and participation in extracurricular, academic, athletic and social activities;
- D. facilitating the on-time graduation of children of military families;
- E. providing for the promulgation and enforcement of administrative rules implementing the provisions of that compact;
- F. providing for the uniform collection and sharing of information between and among member states, schools and military families under that compact;
- G. promoting coordination between that compact and other compacts affecting military children; and
- H. promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

## ARTICLE 3

### APPLICABILITY

- A. Except as otherwise provided in Subsection B of this article, the Interstate Compact on Educational Opportunity for Military Children shall apply to the children of:
- (1) active duty members of the uniformed services, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
  - (2) members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
  - (3) members of the uniformed services who die on active duty or as a result of injuries sustained while on active duty and extending for a period of one year after death.
- B. The provisions of the Interstate Compact on Educational Opportunity for Military Children shall only apply to local education agencies.
- C. The provisions of the Interstate Compact on Educational Opportunity for Military Children shall not apply to the children of:
- (1) inactive members of the national guard and military reserves;
  - (2) members of the uniformed services now retired, except as provided in Subsection A of this article;
  - (3) veterans of the uniformed services, except as provided in Subsection A of this article; and
  - (4) other United States department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

## ARTICLE 4

### EDUCATIONAL RECORDS AND ENROLLMENT

- A. In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as quickly as possible.

- B. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission.
- C. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.
- D. Students shall be allowed to continue their enrollment at a grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from an accredited school in the sending state.

## ARTICLE 5

### PLACEMENT AND ATTENDANCE

- A. When a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career-challenging courses should be paramount when considering placement. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.
- B. The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include gifted and talented programs and English as a second language. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

- C. In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program. In compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, and with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.
- D. Local education agency administrative officials shall have flexibility in waiving course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.
- E. A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from or has immediately returned from deployment to a combat zone or combat support posting shall be granted additional excused absences, at the discretion of the local education agency superintendent, to visit with the student's parent or legal guardian.

## ARTICLE 15

### MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

- A. Any state is eligible to become a member state.
- B. The Interstate Compact on Educational Opportunity for Military Children shall become effective and binding upon legislative enactment of that compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter, it shall become effective and binding as to any other member state upon enactment of that compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of that compact by all states.
- C. The interstate commission may propose amendments to the Interstate Compact on Educational Opportunity for Military Children for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

## ARTICLE 16

### WITHDRAWAL AND DISSOLUTION

- A. Once effective, the Interstate Compact on Educational Opportunity for Military Children shall continue in force and remain binding upon each and every member

state, provided that a member state may withdraw from that compact by specifically repealing the statute that enacted that compact into law.

- B. Withdrawal from the Interstate Compact on Educational Opportunity for Military Children shall be by the enactment of a statute repealing that compact.
- C. The withdrawing state shall immediately notify the chair of the interstate commission in writing upon the introduction of legislation repealing the Interstate Compact on Educational Opportunity for Military Children in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt of the notice.
- D. The withdrawing state is responsible for all assessments, obligations and liabilities incurred on its behalf through the effective date of withdrawal, including obligations the performance of which extends beyond the effective date of withdrawal.
- E. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Interstate Compact on Educational Opportunity for Military Children or upon such later date as determined by the interstate commission.
- F. The Interstate Compact on Educational Opportunity for Military Children shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in that compact to one member state.
- G. Upon the dissolution of the Interstate Compact on Educational Opportunity for Military Children, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

## ARTICLE 18

### BINDING EFFECT OF COMPACT AND OTHER LAWS

- A. Nothing in the Interstate Compact on Educational Opportunity for Military Children prevents the enforcement of any other law of a member state.
- B. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.
- C. All agreements between the interstate commission and the member states are binding in accordance with their terms.
- D. In the event any provision of the Interstate Compact on Educational Opportunity for Military Children exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.”

## ATTACHMENT 3

**Understanding Between  
THE PUBLIC EDUCATION DEPARTMENT of the STATE of NEW MEXICO  
and THE DEPARTMENT OF INTERIOR -  
BUREAU OF INDIAN AFFAIRS -  
OFFICE OF INDIAN EDUCATION PROGRAMS**

### I. Purpose

The purpose of this Memorandum of Understanding is to:

- 1) ensure that the Office of Indian Education Programs, acting as the State Education Agency (SEA) for all Bureau of Indian Affairs/Office of Indian Education Programs (BIA/OIEP)-funded schools has access to the total assessment systems of the 23 states which have BIA-funded schools within their borders;
- 2) ensure that all BIA-funded schools' assessment data are scored in the same manner as publicly funded schools in their respective states; and,
- 3) ensure that all BIA-funded schools' assessment data are sent to the OIEP to be utilized in determining Adequate Yearly Progress (AYP) status for BIA-funded schools.

### II. Authority

Public Law 107-110, "The No Child Left Behind Act" (NCLB) of 2001 encourages and emphasizes collaboration and cooperation initiatives between national, state, and local educational entities. In the spirit of this legislation, the OIEP and the State of New Mexico are undertaking this agreement to provide appropriate assessments and assessment data to all BIA-funded schools and to the CSI acting as the SEA.

### III. Description

The OIEP oversees 184 elementary and secondary schools and dormitories serving approximately 47,500 students located in 23 states. As a result of a Negotiated Rule Making process, the regulations for the Department of the Interior require each bureau-funded school to utilize the accountability systems of the states in which these 184 schools are located. Bureau-funded schools will use the same standards, assessment systems and definitions of AYP as does the state in which the school is located as defined in 25 CFR 30.104. This understanding delineates and formalizes each party's responsibilities to achieve the identified purposes listed above.

### IV. Mutual Objectives

Both SEA's covered by this understanding are required under the accountability provisions of the NCLB act to:

- 1) ensure that all children are assessed using the assessment system identified by the state;

- 2) hold all schools accountable in their respective systems for the achievement of their students (in the BIA/OIEP system each school is a Local Education Agency (LEA) equivalent);
- 3) hold LEAs accountable for the achievement of their schools; and,
- 4) hold ourselves individually accountable as SEAs for the achievement of our respective LEAs.

Both parties to this understanding recognize the importance of fulfilling the accountability provisions of the NCLB Act for all students residing in the state. Both parties recognize that students regularly transfer between the publicly funded schools in the state and BIA-funded schools in the state. Due to the high rate of mobility of this population of students, it is in the interest of both parties to this understanding to ensure that all students in BIA-funded schools participate in the State of New Mexico's assessment system and that the student performance on those assessments are scored using the same process and criteria as that of the state.

#### V. State Responsibilities

- 1) The State of New Mexico will ensure that all BIA-funded schools are invited to all public school trainings on the state's accountability system, i.e. testing, scoring, test security, etc. (or otherwise be provided with access to the same information).
- 2) The State of New Mexico will assure that the BIA-funded schools within the state have access to the same scoring arrangements as all schools in the state.
- 3) The State of New Mexico will ensure that the OIEP receives all pertinent data such as but not limited to:
  - a) achievement level cut scores,
  - b) high school graduation goal,
  - c) the other academic indicator(s) used in K-8 settings, and
  - d) any other indicator(s) used by the state.
- 4) If the State of New Mexico changes any pertinent data points and/or indicators, they will ensure that the OIEP receives all changes as soon as the state's public schools receive notice of the changes.
- 5) If the State of New Mexico makes any changes to or revisions of their assessment system they will provide prompt notice to the OIEP so as to allow the BIA-funded schools to implement the revisions in a timely manner.
- 6) The State of New Mexico understands that this agreement does not transfer any authority from the OIEP to the state as the SEA. The agreement is solely for the purpose of ensuring that the BIA-funded schools located in New Mexico have full access to that state's assessment system. The OIEP understands that this

agreement does not transfer any authority from the State of New Mexico to the OIEP.

## **VI. OIEP Responsibilities**

- 1) The OIEP will ensure that all BIA-funded schools that reside in the State of New Mexico will administer the state selected assessments and alternate assessments for students with severe cognitive impairments, using the State of New Mexico's guidelines, rules (6.10.7 New Mexico Administrative Code) and procedures in the manner designated.
- 2) The OIEP will ensure that all BIA-funded schools attend all assessment related training that is required of publicly funded schools in the State of New Mexico.
- 3) The OIEP will ensure that the principal and the faculty understand their affirmative responsibility to ensure that the assessment instruments are administered appropriately.
  - a. If the principal or any other person at the testing site knows or has reason to know that the State of New Mexico's guidelines, rules (6.10.7 New Mexico Administrative Code) and procedures have not been followed, the violation of the State of New Mexico's guidelines and procedures must be reported to the OIEP. OIEP in turn will report the violation to the State of New Mexico assessment director or outside contractor.
  - b. All BIA-funded schools are subject to on-site inspections from the Office of Indian Education Programs' personnel to ensure compliance with all assessment and other protocols and procedures related to New Mexico's assessment system including alternate assessment for students with severely cognitive impairments. All BIA-funded schools that are located within the State of New Mexico will use the State of New Mexico's assessment system including alternate assessment for students with severely cognitive impairments unless the school has waived the state definition of AYP according to 1116(g) or 1111(k) of NCLB.
- 4) The OIEP will ensure that after all BIA-funded schools that reside in the State of New Mexico have administered the State of New Mexico's assessment system including alternate assessment for students with severe cognitive impairments. They will affirmatively ensure that all testing materials are properly secured, packaged, and sent to the State of New Mexico's designated testing entity or outside contractor for scoring.
  - a. If the principal or any other person at the testing site knows or has reason to know that the State of New Mexico's guidelines, rules (6.10.7 New Mexico Administrative Code) and procedures for securing, packaging, and shipping have not been followed, the violation of the State of New Mexico's guidelines, rules (6.10.7 New Mexico Administrative Code) and

procedures must be reported to OIEP. OIEP will report the violation to the State of New Mexico's testing entity.

- b. All bureau-funded schools are subject to on-site inspections from the Office of Indian Education Programs or State of New Mexico's educational personnel to ensure compliance with all protocols and procedures related to properly securing, packaging, and shipping testing materials to the State of New Mexico's testing entity or outside contractor for scoring.
  - c. All bureau-funded schools shall work with OIEP in conjunction with PED personnel in investigating and imposing sanctions, if any, for testing irregularities.
  - d. Bureau-funded school personnel involved in administration, storing or otherwise handling the State of New Mexico's assessments, shall attend trainings as required by the NMPED rule (6.10.7 NMAC).
  - e. In addition to following testing security procedures set forth in the NMPED rule (6.10.7 NMAC), bureau-funded school personnel shall honor all copy rights contained in the testing materials.
- 5) Each bureau-funded school shall reimburse the outside testing contractor designated by the NMPED at the same per-student rate as paid by the public school districts within New Mexico.
  - 6) Ensure that all necessary data for computing AYP is transmitted from BIA-funded schools to the New Mexico Public Education Department (NMPED) as requested and in a timely manner.

#### **VII. Duration of Agreement**

This permanent multi-year agreement shall remain in effect until it is terminated by either the State of New Mexico or by the OIEP. In the event of termination, the terminating party will notify the other party in writing at least 30 days prior to the beginning of the next school year. The terminations will be effective at the start of the next school year. All testing materials in the possession of the OIEP or any bureau-funded schools shall be accounted for and returned to the outside contractor designated by the NMPED.

#### **VIII. State/OIEP Meetings**

The OIEP and the State of New Mexico can request meetings to facilitate this agreement and will provide seven (7) days of notice.

#### **IX. Revision of the Agreement**

This permanent multi-year agreement may be revised by mutual consent between the State of New Mexico and the OIEP. The party requesting revisions will submit the

proposed revisions to the other party for consideration. The parties will then meet to discuss the proposed revisions. Once the revision is negotiated, any changes will become effective at the start of the next school year.

**X. Compliance with Federal and State requirements**

The State of New Mexico and the OIEP assure compliance with all applicable Federal statutes and regulations covered in this agreement. The State of New Mexico and the OIEP acknowledge that the NCLB Act is the controlling legislation for this agreement.

**XI. Partners for the Use of Assessments**

State of New Mexico, Public Education Department

*Veronica C. Garcia*  
Dr. Veronica C. Garcia

Secretary of Education

*10/3/05*  
Date

Bureau of Indian Affairs, Office of Indian Education Programs

*Edward Parisian*  
Mr. Edward Parisian

Acting Director

*10-3-05*  
Date

Post/Fax Note	7871	Date	<i>10/14/05</i>	# of pages	
To	<i>Dr. Ben Olvera</i>	From	<i>Kelma</i>		
Co./Dept.		Co.	<i>per Dr. Cameron</i>		
Phone #		Phone #			
Fax #	<i>563-3078</i>	Fax #	<i>827-6668</i>		

# Bureau of Indian Education



## Statute and Policy that Governs Sharing of Student Information for the Bureau of Indian Education

Division of Performance & Accountability  
Stan Holder, Acting Associate Deputy Director

# AGENDA



- Background
- Demographics
- Statutes
- NASIS
- Contact Information

# BACKGROUND



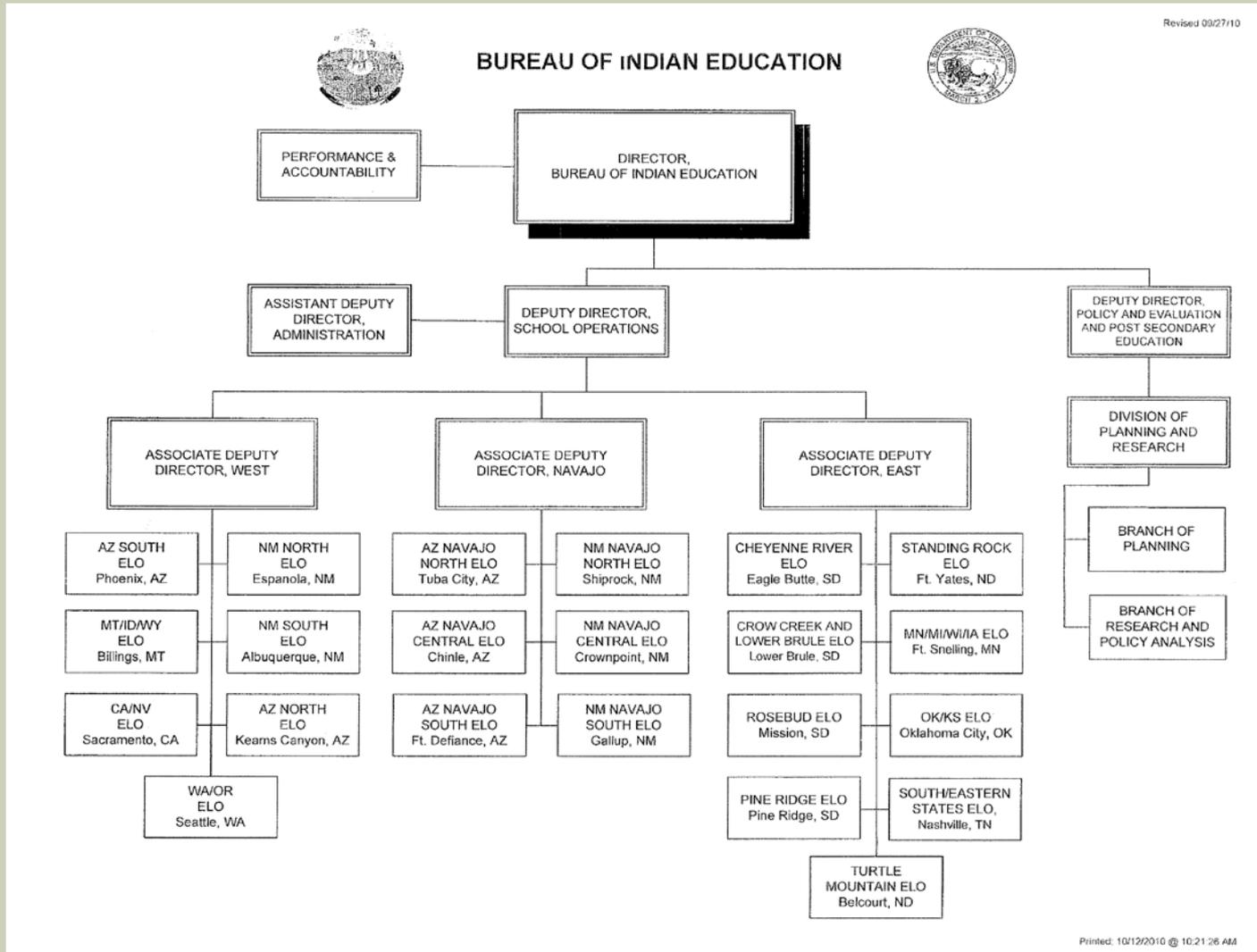
- Formerly known as the Office of Indian Education Programs, the Bureau of Indian Education (BIE) was renamed and established on August 29, 2006, to reflect the parallel purpose and organizational structure BIE has in relation to other programs within the Office of the Assistant Secretary-Indian Affairs.
- The BIE is headed by a Director, who is responsible for the line direction and management of all education functions, including the formation of policies and procedures, the supervision of all program activities and the approval of the expenditure of funds appropriated for education functions.

# BACKGROUND



- In School Year 2011-2012, the 183 Bureau-funded elementary and secondary schools, located on 64 reservations in 23 states, served 47,889 Indian students. Of these, 59 are BIE-operated and 124 are tribally operated under BIE contracts or grants. The Bureau funds or operates off-reservation boarding schools and peripheral dormitories near reservations for students attending public schools.
- The BIE serves American Indian and Alaska Native post secondary students through higher education scholarships and support funding for tribal colleges and universities. The BIE directly operates two post secondary institutions: the Haskell Indian Nations University (HINU) in Lawrence, Kansas, and the Southwest Indian Polytechnic Institute (SIPI) in Albuquerque, New Mexico.

# BIE ORGANIZATIONAL CHART



# DEMOGRAPHICS –SY 11/12



- 45 bureau-funded schools and dorms in NM
- 9630 students enrolled in instructional programs
- 2186 residential students in NM
- 3932 students came from public/private schools in/out of state to BIE schools in NM
- 1945 students went to public/private schools in/out of state from BIE schools in NM

# DEMOGRAPHICS – SY 11/12

<b>GRADE</b>	<b># OF STUDENTS</b>
Kindergarten	1124
1	923
2	887
3	877
4	850
5	802
6	846
7	751
8	684
9	623
10	522
11	407
12	382

# DEMOGRAPHICS – SY 11/12

TRIBAL ENROLLMENT	# OF STUDENTS
Eighteen (18) Pueblos	2361
Navajo	6534
Jicarilla & Mescalero Apaches	543
Other	209
<b>Total</b>	<b>9647</b>

# STATUTES



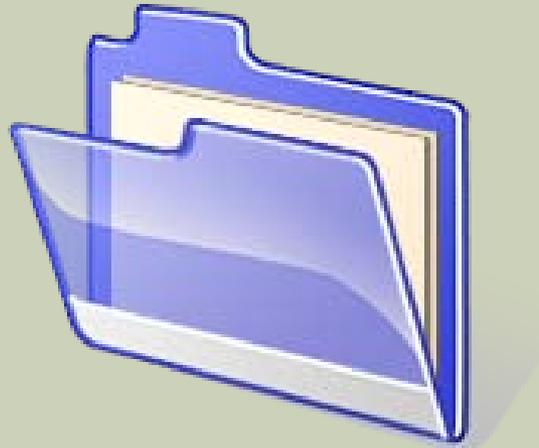
- Title 34 Part 99 Family Educational Rights & Privacy Act (FERPA)
- Section 4155(b) ESEA-Disciplinary Records
- Title 25 CFR 43 – Maintenance & control of student records in Bureau Schools
- Title X Part-Homeless Education Section 1032 Subtitle B—Education for Homeless Children and Youths, Sec. 722 (g)(3)(D)
- IDEA §CFR300.304(e)(1)(2) IEPs for children who transfer to public agencies in the same state.

# Family Educational Rights & Privacy Act (FERPA)

- Subpart D—May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?
  - § 99.31 Under what conditions is prior consent not required to disclose information?
    - (a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by §99.30 if the disclosure meets one or more of the following conditions:
      - (1)(i)(A) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

# Family Educational Rights & Privacy Act (FERPA) (con't)

- (2) The disclosure is, subject to the requirements of §99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.



# Section 4155(b) ESEA-Disciplinary Records

- (b) DISCIPLINARY RECORDS- In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school

# Title 25 CFR 43

## Maintenance & control of student records in Bureau Schools

### § 43.14 Consent.

Educational institutions shall not permit access to or the release of student records or personally identifiable information contained in them, other than directory information of students, without the written consent of the parents or of an eligible student, to any party other than the following:

(a) Local school officials, including teachers within the educational institution, who have been determined by the institution to have legitimate educational interests in the records.

(b) Officials of other schools or school systems at which a student is interested in enrolling. The student or parent must be notified of such release except in cases involving Bureau of Indian Affairs schools. All Bureau of Indian Affairs schools are considered to be components of one school system whether operated under contract or otherwise.

# Title 25 CFR 43

## Maintenance & control of student records in Bureau Schools

### § 43.14 Consent. (cont'd)

(c) Persons having official involvement with a student's application for or grant of financial aid.

(d) Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954, as amended.

(e) Accreditation agencies in order to carry out their accrediting functions.

(f) U.S. Office of Education officials and other governmental education officials when deemed necessary by the institution to carry out their official functions.

# Title 25 CFR 43

## Maintenance & control of student records in Bureau Schools

### § 43.14 Consent. (cont'd)

(g) An education testing center or similar institution as a part of its validation research which has been authorized by the school.

(h) In an emergency, any person to whom the information is necessary in the discretion of the school's administration in order to protect the student's health and safety, subject to §43.17.

(i) Indian groups, contractors, grantees, professional social service organizations and personnel performing professional services, when necessary to carry out an official function authorized by the Bureau of Indian Affairs.

(j) Pursuant to the order of a court of competent jurisdiction; however, the parent or eligible student must be notified of such order in advance of compliance therewith by the educational institution.

# Title X-Homeless Education

## Title X Part C-Homeless Education

### Section 1032 Subtitle B—Education for Homeless Children and Youths, Sec. 722 (g)(3)(D)

RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—“(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and “(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

# IDEA-IEPs for Children who Transfer within State

IDEA §CFR300.304(e)(1)(2)

*IEPs for children who transfer to public agencies in the same state.* If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfer to a new public agency in the same state, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either -

- (1) Adopts the child's IEP from the previous public agency; or
- (2) Develops, adopts, and implements a new IEP that meets the applicable requirements §300.320 through 300.324

# Native American Student Information System (NASIS)



Native American Student Information System (NASIS) is a school/student data management system for the Bureau of Indian Education (BIE) and supports three primary functions:

1. School Administration to track and monitor Student Achievement, Special Education Requirements, Average Daily Attendance/Average Daily Membership, and Free and Reduced Lunch Programs, etc.

# Native American Student Information System (NASIS) con't



2. Mandated reporting including ISEP, E-Rate, AYP, and No Child Left Behind (NCLB) using data captured during School Administration which facilitates "information sharing between state, federal, and tribal governments. NASIS provides greater accuracy and significantly reduces costs by eliminating duplicate data entry.
3. Student performance improvement through analyses and longitudinal comparisons to determine the variables that affect student learning.

# Native American Student Information System (NASIS) con't



NASIS assists in the following:

- Enables BIE to meet laws it could not otherwise, including Part B of Title XI of Public Law 95-561 of 1978 requires computerized MIS and NCLB Act of 2001 requires more accurate reports.
- Specific data on Indian children attending BIE or tribally operated schools, parents, and teachers.
- NASIS provides the ability for all parents of students to review attendance, assignments, grades, etc., none of which was available before the implementation of NASIS.

# Native American Student Information System (NASIS) con't



NASIS assists in the following:

- The Special Education module allows parents of disabled students to track them even more closely, accessing data that allows them to make better decisions for their child's education.
- NASIS provides 7,000 teachers and staff the ability to enter, review, and track student grades, attendance, and behavior more accurately and efficiently.
- Finally, NASIS provides data of significantly improved accuracy to our partners in educating Indian children, including the U.S. Department of Education and state educational institutions. BIE provides more accurate and timely data in response to congressional requests.

# NASIS



## Students

- Demographics
  - Households & Relationships
- Enrollments
- Grades
- Transcripts
- Credit Summary
- Assessments
- Behavior
- Schedule
- Attendance
- Program participation (CEIS)
- Tribal Enrollment
- Special Education Forms
- Personal Learning Plan
- Records Transfer

## Staff

- Demographics
  - Households
  - Relationships
  - District Employment
  - School Assignment
  - Credentials

# NASIS

## School

- Master Schedule
  - Rooms
  - Teacher
  - Period(s)
  - Courses
  - Master Schedule Reports by term, year, teacher
  - Utilization Reports
- Attendance
  - ADM/ADA Reports
  - Consecutive Day Absence Reports
  - Attendance Reason Reports
  - ISEP Certification
- Grades
  - Report Cards
  - Progress Reports
  - Standards Bank
- Behavior
  - Incident Report
  - Location Report
  - Staff Report
  - Date/Time Report
  - Resolution Report
- Enrollment Reports
  - Enrollment Overlap Report
  - Enrollment Summary Report
  - Graduation Cohort Validation Report
- Assessments
  - Assessment Results
- Tribal Enrollment
  - Tribal Code
  - Documentation used for verify
- Special Education Forms
  - IEP/ IEP with transition
  - Evaluation Summary Report
  - Progress Report
  - Sped Process Reports
- Records Transfer
  - Used to track student records transfer between BIE schools.
- Instruction
  - Gradebook
  - Attendance
  - Assignments
  - Assessments
  - Numerous Reports

# NASIS

## Parents

- Demographics
  - Households
  - Relationships

## Portal access allows Parents to view the following records for their students:

- Student grades
- Behavior
- Attendance
- Assessments
- Special education module
- School news , calendar & events.



# BIE Student Transfer in NASIS



- Student Transfer between BIE funded schools
  - New school enrolls student – automated message requesting records goes to the last school student was enrolled.
  - The registrar reviews, accepts/declines the record request.
    - If accepted, the records from previous school are sent to the new school.
    - If declined, no records are sent.
    - The Records Transfer screen stores the request, the response and the records transferred.

# BIE Student Transfer in NASIS

**Infinite Campus**

Year: 12-13 | School: All Schools | Calendar: All Calendars

**Index Search Help**

- Denise Salyers
- NASIS Training Videos
- Student Information
- Instruction
- Census
- Behavior
- Health
- Attendance
- Scheduling
- Fees
- Grading & Standards
- Medicaid
- Programs
- Ad Hoc Reporting
- User Communication
- System Administration
- FRAM
- Messenger
- Surveys
- BIE Reports
- Account Settings
- Access Log
- Log Off

### Student Records Transfer

**Records Release**  
This is a Records Release containing the student information, the requesting district/user and the releasing district/user.

**Records Transfer**

**Student:** [Redacted] **Enrollment Type:** Primary

Last Name	First Name	Middle Name
Gender	Birthdate	SSN
Grade	School	Start Date

**Requesting District & User**

District	Name	Username
Request Date	Work Phone	Email

Comments: None.

**Releasing District & User**

District	Name	Username
Release Date	Work Phone	Email

Comments: None.

**Status:** Records released.

**Transfer Documents**

- Transcript
- Census Contact Summary
- Enrollment History
- Schedule
- Attendance Period Detail
- Assessment Summary
- Behavior Summary
- Health Condition Summary
- Health Screening Summary
- Health Immunization Summary

- IEP
- Special Ed Evaluation
- IEP Documents
- PLP
- PLP Documents

**Data imports**

- Transcript Import Wizard
- Enrollment History Import Wizard
- Assessment Import Wizard
- Immunization Import Wizard
- Health Condition Import Wizard
- Health Screening Import Wizard
- IEP Import Wizard
- Special Ed Evaluation Import Wizard
- Special Ed Documents Import Wizard
- PLP Import Wizard
- PLP Documents Import Wizard

# BIE Student Transfers To/From Public and Private Schools



- Student Transfer between BIE funded schools and public/private school
  - New school enrolls student – contacts former school to request records.
  - The former school registrar reviews request and releases the records requested.

# CONTACT INFORMATION



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# Colleges \ Career Fair Cuba High School

**SY. 2012-2013**

**Friday, November 2nd, 2012**

## Colleges Attending

## Careers Attending

### To apply for colleges you will need:

- Social Security Number
- Current Address
- Contact Number
- E-mail address



### Key Points

- Introduce yourself
- Ask questions
- Take notes
- Thank the presenter

Apprenticeship Training Programs  
CNM

Dine' College

Highlands University

Institute for Indian Arts (Santa Fe)

Luna Community College

Navajo Technical School

New Mexico State

Northern New Mexico college

San Juan College

SIPI

UNM –admissions and recruitment

UNM Migrant program

UNM Los Alamos

New Mexico University at Roswell

Ft. Lewis University in Durango

New Mexico Job Corp

### Scholarship Information

New Mexico Educational Assistance  
Foundation

Jemez Electrical Co-op

IDA saving accounts for college and  
creating your own business.

Indian Health Service Scholarship

Navajo Health Care Scholarships

Careers in the Oil Industry

Careers as an Attorney/Lawyer

Careers in Nutrition

Careers in Legal Fields

Careers in Fire Fighting

Careers with the FBI

Careers with the Forest Service

Careers in Banking

Careers in Medical Fields

Careers in Law Enforcement-

Careers with the BLM

Crown Point Navajo Dept Work

Careers working for the City of Cuba

Careers in Real Estate

Careers with the National Guard

Careers in Game and fish

Careers in Auto Mechanics

Careers in building trades

Careers with Family Dollar

Careers in Photography

Careers working with disabled adults.

Careers working in insurance

Careers with the United States Post

Careers in Artificial Intelligence

Careers in Welding

Careers in Wild Life Rescue



Careers in the United States Navy  
Careers with the United States Marines  
Careers in Public Health  
Careers in Military Special Forces  
Careers in Home Health  
Careers in Soil Conservation  
Careers as an Electrician  
Careers in Technology  
Careers as a Farrier  
Careers in Veterinary Medicine  
Careers in Medical Transport



Cuba High School 2012 Colleges—Career Fair

**Date: November 2nd, 2012**

**Time: 9:00am.—12:00**

**Place: Cuba High School  
Cafeteria and Commons Area**

For more information please call  
Jermaine McGregor— 575-289-3211 ext 229

# Dream to Succeed

# CUBA INDEPENDENT SCHOOL DISTRICT

## ENROLLMENT

11/14/12

<b>Variables</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>No. of Grades</b>	<b>6 Grades</b>	<b>3 Grades</b>	<b>4 Grades</b>
<b>Total Enrollment</b>	<b>180</b>	<b>123</b>	<b>249</b>
<b>Average per Grade</b>	<b>30</b>	<b>41</b>	<b>62.25</b>
<b>Asian</b>	<b>&lt;.1%</b>	<b>1.6%</b>	<b>0%</b>
<b>Caucasian</b>	<b>.55%</b>	<b>4.87%</b>	<b>4.01%</b>
<b>Hispanic</b>	<b>44.44%</b>	<b>40.65%</b>	<b>23.29%</b>
<b>Native American</b>	<b>55%</b>	<b>52.85%</b>	<b>72.69%</b>