

## Bureau of Indian Affairs, Interior

## § 36.3

and for Indian-controlled contract schools operating dormitories.

(b) These academic standards and dormitory criteria will take effect thirty (30) days after the date of their publication in the FEDERAL REGISTER. The Bureau of Indian Affairs intends to review and evaluate the applicability of the academic standards and dormitory criteria under this part after two years and make appropriate revisions.

(c) The information collection requirement contained in § 36.61(a) has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0092. The information is being collected to evaluate waiver request(s) from tribal government(s) and school board(s). The information will be used to ascertain the approval of academic waiver request. The obligation to respond is mandatory under 25 U.S.C. 2001. The information collection requirements contained in §§ 36.71(g), 36.74(f), and 36.76(b) of this rule are not required to be approved by the Office of Management and Budget since less than ten persons or tribes are affected by the information collection requirement of this rule. However, when ten or more persons or tribes become affected by this requirement, the Bureau will submit an approval request.

### § 36.2 Applicability.

(a) The minimum academic standards for the basic education of Indian children established under this part, subparts B through G, are mandatory for all Bureau of Indian Affairs operated schools unless a tribal governing body or the local school board, if so designated by the tribal governing body, waives, in part or in whole, the standards established under this part. When a tribe(s) formally takes action to waive, in total or in part, standards contained in this part, proof of such action shall be forwarded to the Agency Superintendent for Education (ASE) or area Education Programs Administrator (EPA). Within 15 days of receipt of such documentation the ASE or EPA shall notify, in writing, the parents or legal guardians whose children are attending the school(s) affected.

(b) The minimum academic standards for the education of Indian children es-

tablished under subparts B through G are not applicable to Indian-controlled contract schools unless the Indian-controlled contract school board formally adopts them in whole or in part. The Bureau will not refuse to enter into a contract on the basis of failure to meet these standards but will, through contracting procedures, assist the school in reaching compliance, if so requested by the Indian-controlled contract school board.

(c) The national criteria for dormitory situations established under subpart H will serve as a minimum requirement and shall be mandatory for all Bureau-operated and Indian-controlled contract schools.

(d) Standards and criteria contained under this part will serve as minimum requirements for the regular school educational program.

(e) In states where additional minimum academic standards exist or are established, those state standards shall also apply.

### § 36.3 Definitions.

For purposes of this part, the following definitions apply:

*Accreditation* means a school has received an official decision by the State(s) department(s) of education, or another recognized agency having official authority, that, in its judgment, the school has met the established standards of quality.

*Agency* means the current organizational unit of the Bureau which provides direct services to the governing body or bodies and members of one or more specified Indian tribes.

*Agency school board* as defined in sec. 1139(1), Pub. L. 95-561, means a body, the members of which are appointed by the school boards of the schools located within such Agency. The number of such members shall be determined by the Director in consultation with the affected tribes. In Agencies serving a single school, the school board of that school shall function as the Agency school board.

*Agency Superintendent for Education* means the Bureau official in charge of education functions at an Agency and to whom the school supervisor(s) and other educators under the Agency's jurisdiction report.

*Area Education Programs Administrator* means the Bureau official in charge of Bureau education programs and functions in a Bureau Area Office and is responsible for off-reservation residential schools, and, in some cases, peripheral dormitories and on-reservation day schools not receiving services from the Agency Superintendent for Education.

*Assistant Secretary* means the Assistant Secretary for Indian Affairs of the Department of the Interior.

*Authentic assessment* means the testing of higher order thinking skills by monitoring performance of tasks requiring analysis, creativity, and application skills in real life situations.

*Average daily membership (ADM)* means the aggregate days membership of a given school during a given reporting period divided by the number of days school is in session during this period. Only days on which the students are under the guidance and direction of teachers shall be considered as days in session. The reporting period is generally a given regular school term.

*Basic academic skills* means the abilities acquired by observation, study, or experience in mental and/or physical performance (e.g., proficiency in planning and investigating, operational techniques, comprehension, organization, execution, remembrance and application of knowledge to acquire a desired result) basic to the mastery of school work or other activity.

*Basic education* means those components of education emphasizing literacy in language arts, mathematics, natural and physical sciences, history, and related social sciences.

*Bureau* means the Bureau of Indian Affairs of the Department of the Interior.

*Certification* means the general process by which the State or Agency authorized by the State adjudges and stipulates that an individual meets the established standards which are prerequisite to employment for a teacher or administrator in education.

*Competency* means having the requisite abilities, skills, or a specified level of mastery.

*Computer literacy* used here means the general range of skills and understanding needed to function effectively

in a society increasingly dependent on computer and information technology.

*Content area* means the usual school subjects of instruction, such as: Language arts, mathematics, science, social studies, fine arts, practical arts, health, and physical education.

*Counselor* means a staff member, including those in both academic and dormitory situations, who helps the students to understand educational, personal, and occupational strengths and limitations; to relate abilities, emotions, and aptitudes to educational and career opportunities; to utilize abilities in formulating realistic plans; and to achieve satisfying personal and social development.

*Course of study* means a written guide prepared by administrators, supervisors, consultants, and teachers of a school system or school, as an aid to teaching a given course or an aspect of subject-matter content to a given category of pupil.

*Criterion-referenced test* means an achievement test designed to measure specific skills within a subject area. Test results indicate which skills a student has or has not learned.

*Days* means calendar days.

*Director* means the Director of the Office of Indian Education Programs in the Bureau.

*Dormitory* means a facility which provides students boarding and lodging on a temporary residential basis for the purpose of attending a Bureau-operated or Indian-controlled contract or public school.

*Dormitory manager* means a staff member who manages the day-to-day, 24-hour operation of one or more dormitories.

*Elementary school* is defined as any combination of grades K-8 except when any of these grades are included in the junior high or middle school level.

*Exceptional child program* means a program for students who are eligible to receive education and related services as defined by 25 CFR 39.11(i).

*Feeder school* means a school whose exiting students are absorbed by a school offering instruction on the next higher grade level.

*Formative evaluation* is an evaluation of progress during the implementation of a program. Its purpose is to provide

immediate feedback on results to enable modifying the processes used in order to enhance success and prevent failure.

*Goals* means a statement of what the school system is attempting to do to meet the comprehensive educational needs and interests of its pupils, in accordance with its statement of philosophy.

*Grade* means the portion of a school program which represents the work of one regular school year; identified by a designation such as kindergarten, grade 1 or grade 10.

*Grade level* is a designation applied to that portion of the curriculum which represents the work of one regular school year.

*High school* is defined as grades nine through twelve, except when grade nine is included in the junior high or middle school organizational unit.

*Higher order thinking skills* (or advanced skills) means skills such as reading comprehension, written composition, and mathematical reasoning. They differ from basic or discrete skills such as phonetic decoding and arithmetic operations.

*Indian-controlled contract school* means a school that is operated by a tribal organization and funded under a contract with the Bureau.

*Indian student* means a student who is a member of an Indian tribe and is one-quarter ( $\frac{1}{4}$ ) or more degree of Indian blood quantum.

*Indian tribe* or *tribe* means any Indian tribe, band, nation, rancheria, pueblo, colony or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

*Intense residential guidance* means the program for residential students who need special residential services due to one or more of the problems as stated in 25 CFR 39.11(h).

*Junior high* or *middle school* is defined as grades seven and eight, but may include grade six when it is not included in the elementary school level and/or

grade nine when it is not included in the high school level.

*Kindergarten* means a group of students or a class that is organized to provide educational experiences for children for the year immediately preceding the first grade.

*Librarian* means a certificated school employee whose principal responsibilities include selection, acquisition, preparation, cataloging, and circulation of books and other printed materials; planning the use of the library by teachers and students; and instructing students in the use of library books and materials, whether the library is maintained separately or as a part of an instructional materials center.

*Local school board* when used with respect to a Bureau-operated school means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, the body elected by the parents of the Indian children attending a Bureau-operated school. In schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected and the number of such members shall be determined by the Director in consultation with the affected tribes.

*Objectives* means a statement of the general, long-range aims and the specific, short-range aims which indicate what the school is attempting to do to meet the needs of the students in accordance with the philosophy, goals, and policies of the school system.

*Paraprofessional* means a staff member who works with and is under the supervision of a professional staff member but who does not have full professional status, e.g., teacher aide. The term denotes a level of knowledge and skills possessed by an individual or required of an individual to perform an assignment. The level of skills is usually at a predetermined minimum level.

*Parent* means a natural parent or guardian or a person legally acting as parent.

*Peripheral dormitory* is a facility which provides students boarding and lodging during the school year for the purpose of attending a public school.

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*Regular program student* means all students including those determined to be eligible for services as defined under the Exceptional Child Program, 25 CFR 39.11(i).

*Residential school* means an educational institution in which students are boarded and lodged as well as taught.

*Residential Services under Exceptional Child Program* means a program providing specialized residential care as determined by 25 CFR 39.11(i).

*School* means an educational institution, including elementary, junior high or middle, high school, peripheral, cooperative, and contract schools serving students in grades Kindergarten through 12 and as further defined under 25 CFR 39.2(q).

*School board* means an Agency or local school board.

*School day, instructional day, or teaching day* is a day on which the school is open and students are under the guidance and direction of teachers in instructional activities where the minimum number of instructional hours are met.

*School Supervisor* means the official in charge of a school and/or peripheral dormitory who reports to an Agency School Superintendent or an Area Education Programs Administrator, as appropriate.

*Secretary* means the Secretary of the Interior.

*Self-contained class* means a class having the same teacher or team of teachers for all or most of the daily session.

*Standard* means the established criterion and/or specified requirement which must be met and maintained.

*Summative evaluation* means a systematic analysis of the results or products of a program after it is completed. Its purpose is to determine the extent to which the objectives of the program have or have not been achieved. One form of summative evaluation compares results with those of another "control" program using different procedures. Other forms compare results with past results or predetermined target outcomes.

*Teacher* means a certified staff member performing assigned professional activities in guiding and directing the

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learning experiences of pupils in an instructional situation.

*Unit/Unit of instruction* means a major subdivision of instruction generally composed of several topics including content and learning experiences developed around a central focus such as a limited scope of subject matter, a central program, one or more related concepts, one or more related skills, or a combination of these. One unit equals one full year of instruction in a subdivision thereof. *Unit* and *credit* shall be used interchangeably.

[50 FR 36816, Sept. 9, 1985, as amended at 59 FR 61765, Dec. 1, 1994]

### Subpart B—Educational Management

#### § 36.10 Standard I—Philosophy and goals.

(a) Each school shall develop a written mission statement and philosophy of education that addresses the accumulation of knowledge and development of skills, interests, appreciations, ideals, and attitudes within the school's total educational program. A statement of expected outcomes shall outline what the school is attempting to do to meet the needs and interests of its students and community in accordance with the school's mission statement and philosophy.

(b) The statement of philosophy and goals shall be developed with the involvement of students, parents, lay citizens, school staff, and tribe(s) and shall be formally adopted by the local school board.

(c) The philosophy and goals shall be reviewed annually and revised as necessary by each school.

(d) A copy of the philosophy and goals shall be submitted to the Agency Superintendent for Education or Area Education Programs Administrator, as appropriate.

(e) Informational provisions shall be developed in the form of a manual, handbook, brochure, or other written document(s) of the minimum academic standards of the school's programs and the basic rules and procedures of the school. The staff, students, and parents shall receive the written document or documents and have same explained to all who request explanation. The topics