



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: “Waiver of Bureau of Indian Education Assessment for School Years 2023-2024 and 2024-2025 – White Shield.”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (1) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business council and other Tribal agencies; and

WHEREAS, In 1986, the Tribal Business Council of the Three Affiliated Tribes approved and adopted Resolution No. 86-117-C, which states in part that the Tribal Business Council “...hereby authorizes the White Shield Public School Board to carry out their school programs according to their local school board policy manuals and NDSCS...” and that “... White Shield District administer daily operation of all Bureau-funded Education Programs....”; and

WHEREAS, The Tribal Business Council truly supports the education of all students in the School Districts within the Segments of New Town/Four Bears, Mandaree, White Shield, Twin Buttes, and Parshall of the Fort Berthold Indian Reservation; and

WHEREAS, The White Shield School District has a comprehensive assessment plan that includes multiple measures of summative assessments, and the Bureau of Indian Education (or “BIE”) assessments are a duplication of effort and place an undue burden on students and results in additional loss of direct instructional time; and



WHEREAS, The BIE-funded school listed above is recognized by the North Dakota Department of Public Instruction as either a public school or a cooperative school; and

WHEREAS, The BIE-funded school listed above has been using the North Dakota Content Standards, the North Dakota State Assessment (NDSA) and the North Dakota Alternate Assessment (NDAA) since the adoption of No Child Left Behind in 2001 and Every Student Succeeds Act in 2015; and

WHEREAS, The BIE, as well as the North Dakota Department of Instruction, will be provided with assessment data from administration of the NDSA/NDAA for English Language Arts, Mathematics, and Science in grades 3-8, and 10, and the BIE-funded schools listed above will meet the requirements of ESEA section 1111 (20 U.S.C. Section 6311). The BIE-funded school listed above will continue to follow the North Dakota requirements for graduation and will continue to be accredited through Cognia; and

WHEREAS, This will be an annual request as required by the Bureau of Indian Education and pertains to the 2023-2024 through the 2024-2025 school years only; and

WHEREAS, The White Shield School District has a comprehensive assessment schedule that includes progress monitoring three (3) times per year and an annual assessment, which is the North Dakota State Assessment, to determine student progress in relation to the School Board's Student Outcome Goals that identify achievement levels for all students in reading and math and Choice Ready goals for high school students.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby requests a formal waiver from the BIE Standards and Assessment program for the White Shield School District for SY2023-2024 through SY2024-2025 so that students may participate in the following North Dakota State Assessment/North Dakota Alternate Assessment:

(NDSA/NDAA) in the subjects and grades listed below:

- NDSA English Language Arts (Grades 3-8, and 10)
- NDSA Mathematics (Grades 3-8, and 10)
- NDSA Science (Grades 4, 8, and 10)
- NDAA English Language Arts (Grades 3-8, and 10)
- NDAA Mathematics (Grades 3-8, and 10)
- NDAA Science (Grades 4, 8, and 10); and

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby finds that the White



Shield School District has sufficient summative standardized assessments in place to determine student achievement in relation to Student Outcome Goals identified by the White Shield School Board and the Bureau of Indian Education assessments are a duplication of efforts and impose an undue burden on students and take away from direct instruction; and


BE IT FINALLY RESOLVED, that the Tribal Business Council hereby authorizes Tribal Chairman Mark N. Fox to take such action as is necessary to effectuate the intent of this Resolution.

CERTIFICATION


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 1st day of February, 2024, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 1st day of February, 2024



Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes



MANDAN, HIDATSA & ARIKARA NATION

Three Affiliated Tribes *Fort Berthold Indian Reservation
Tribal Business Council
307 5th Avenue New Town, North Dakota 58763

Office of the Chairman
Mark N. Fox

January 31, 2024

Mr. Tony Dearman, Director
Bureau of Indian Education
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Adam Schott
Deputy Assistant Secretary
Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary Office of
Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202

Dear Mr. Dearman and Mr. Schott:

The White Shield School district is situated on the Fort Berthold Indian Reservation in North Dakota, and it serves the people of the Mandan, Hidatsa, and Arikara (MHA) Nation, also known as the Three Affiliated Tribes (TAT). This is a formal request for a waiver from the Bureau of Indian Education (BIE) standards and assessments for the BIE-funded White Shield School for school year 2023-2024 and through school year 2024-2025 (see enclosed Tribal Resolution).

The White Shield School district's desire is for the standards and assessments used to measure the schools that serve our White Shield school students to mirror those of the surrounding public schools in North Dakota. The North Dakota Department of Public Instruction recognizes the BIE-funded school listed above as either a public or cooperative school. White Shield School District, a BIE Tribally controlled school, works in conjunction with the North Dakota State Superintendent of Public Instruction in participating in the North Dakota State Assessment (NDSA) at all building levels, receiving student performance and achievement results, and completing reporting requirements to both the North Dakota Department of Instruction (NDDPI) and the Bureau of Indian Education (BIE). Information from our NDSA will be shared with the BIE as mandated by law within the meaning of ESEA Section 1111(20 U.S.C. § 6311).

The BIE-funded school listed above has been using the North Dakota Content Standards, the NDSA, and the North Dakota Alternate Assessment (NDAA) since the adoption of the No Child Left Behind (NCLB) in 2001 and Every Student Succeeds Act (ESSA) in 2015. We want the BIE-funded school listed above to continue using the North Dakota Content Standards for all grades

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Mark N. Fox

and content areas, including English Language Arts and Literacy, Mathematics, Science, Social Studies, and Indigenous and World Languages, so that they may continue to align horizontally and vertically with other K-12 schools in North Dakota.

It is important for our White School students to receive an education that is comparable and commensurate with their non-BIE-funded peers in North Dakota. Many of our students transition into and away from North Dakota public school during their academic careers. It is in the best interests of our students for our schools to continue using the North Dakota Content Standards and to participate in the NDSA/NDAA. These practices will ensure that our students have an equal advantage and adequate preparation to meet entrance requirements for programs of study after high school. We specifically request a waiver from the BIE Assessment program so that our students can participate in the following NDSA/NDAA in the subjects and grades listed below:

- NDSA English Language Arts (Grades 3-8, and 10)
- NDSA Mathematics (Grades 3-8, and 10)
- NDSA Science (Grades 4, 8, and 10)
- NDAA English Language Arts (Grades 3-8, and 10)
- NDAA Mathematics (Grades 3-8, and 10)
- NDAA Science (Grades 4, 8, and 10)

By providing the BIE with assessment data from the administration of the NDSA/NDAA for English Language Arts, Mathematics, and Science in grades 3-8, and 10, the BIE-funded school listed above will meet the requirements of the ESEA § 1111 (20 U.S.C. § 6311) and will continue to follow the North Dakota requirements for graduation and to be accredited through Cognia.

Sincerely,

Mark N. Fox, Tribal Chairman
Tribal Business Council
Three Affiliated Tribes
307 5th Ave. | New Town, ND 58763

CC: Adyel Duran, Office of School Support and Accountability, U.S. Department of Education

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