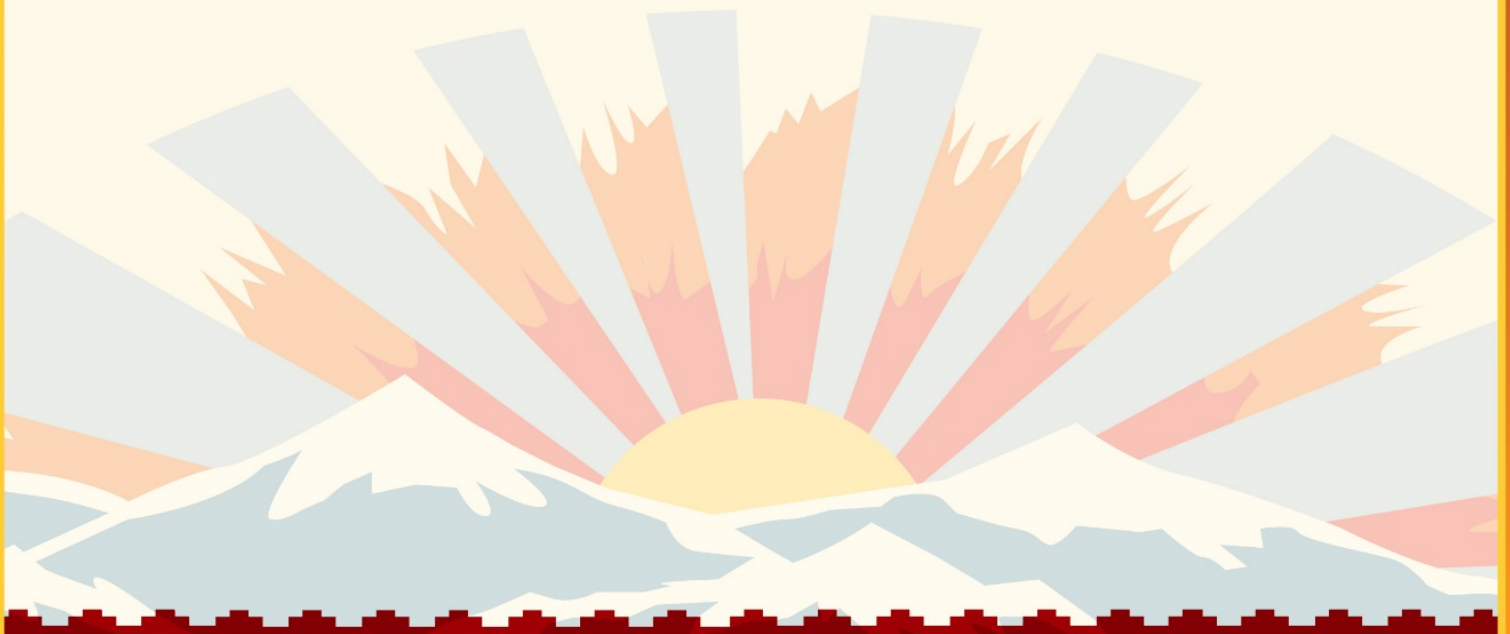




U.S. Bureau of Indian Education
National Advisory Board for Exceptional Children

Annual Report 2015

September 14, 2014–September 30, 2015





U.S. BUREAU OF INDIAN EDUCATION

Advisory Board for Exceptional Children

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Advisory Board Introduction and Background

The Individuals with Disabilities Education Improvement Act (IDEA, P.L. 108-446) guarantees free and appropriate public education to all children with disabilities in the United States. To guide states and other agencies that deliver special education and related services to children with disabilities, IDEA requires states to establish advisory boards that represent stakeholders, such as educational and program administrators, teachers, individuals with disabilities, and parents of children with disabilities. These advisory boards offer input on priorities and unmet needs within special education.

The Bureau of Indian Education (BIE), an agency within the Department of the Interior, oversees education for American Indian and Alaska Native students. Just as states must establish advisory boards to offer guidance on special education needs, BIE is required to establish an advisory board for the same purpose. The BIE Advisory Board for Exceptional Children (Advisory Board), authorized by Part B, Section 611(h)(6) of the IDEA Reauthorization of 2004 (the Act; 200 USC 1400), represents the special education needs of all students with disabilities served by the BIE education system.

Across the United States, there are 184 elementary and secondary BIE schools in 23 states, located on 63 reservations. Tribes and tribal boards under contract or grant with BIE administer 122 of these schools, and BIE directly administers the remainder. Currently, the BIE education system serves approximately 49,000 elementary and secondary students; of these students, approximately 6,400 have disabilities.

Board Responsibilities

The duties of the Board are solely advisory, and are stated below:

- A.) Assist in the coordination of services within the Bureau of Indian Affairs (BIA) and BIE with other local, state, and federal agencies in the provision of education for infants, toddlers, and children with disabilities;
- B.) Advise and assist the Secretary in the performance of the Secretary's responsibilities described in Section 611(h)(6) of the Act;
- C.) Develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations and the elimination of barriers to inter- and intra-agency programs and activities;
- D.) Provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention services or educational programming for Indian infants, toddlers, and children with disabilities; and
- E.) Provide assistance in the preparation of information required to be submitted under Section 611(h)(6) of the Act.



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Annual Reporting

The Advisory Board is required by federal regulation (34 CFR: 300.715) to submit an annual report describing its activities during the preceding year. The report identifies specific areas of need that the Advisory Board selected as priorities. The report advises BIE staff, the Secretary of the Interior, and Congress regarding programs, regulations, and policy development that will support and improve the education of American Indian and Alaska Native students with disabilities. This report is submitted in fulfillment of the annual reporting requirement for 2014.

Board Membership and Stakeholder Group Representation

The Advisory Board has 14 members. The Secretary of the Interior selects and appoints members who represent a wide range of stakeholders involved in or concerned with the education and provision of services to American Indian and Alaska Native children with disabilities. Stakeholder groups include:

- Native American persons with disabilities,
- Native American parents or guardians of children with disabilities,
- teachers of children with disabilities,
- service providers to children with disabilities,
- state and local education officials,
- representatives of tribes or tribal organizations,
- representatives from state interagency coordinating councils in states that contain reservations, and
- members representing other divisions and entities of BIA.

Advisory Board members are appointed on staggered terms of either 2 or 3 years, so that half of the membership terms expire after 2 years and the terms of the remaining members expire after 3 years. The Secretary of the Interior selects the Advisory Board chairperson. Dr. Jonathan Stout served as the chairperson until March 2015. Appendix 1: Advisory Board Members lists all members of the 2015 Advisory Board and indicates which stakeholder category each member represents.

FACA Regulations

As an advisory board to a federal agency, the Advisory Board falls under the requirements of the Federal Advisory Committee Act (FACA; 5 USC, Appendix 2). FACA aims to ensure that the advice of federal advisory committees is objective and available to the public, and that the committees comply with cost control and recordkeeping requirements. The Advisory Board must comply with FACA regulations by:

- making Advisory Board meetings open to the public;
- publishing advance notice of upcoming meetings in the Federal Register;
- recognizing a Designated Federal Officer (DFO) assigned by BIE to support the Advisory Board;
- ensuring that members avoid conflicts of interest; and
- limiting membership terms.



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Current DFO Sue Bement, Acting Director of the BIE Family and Child Education Program and Part B&C Coordinator, has assisted the Advisory Board in maintaining compliance with these requirements.

2015 Advisory Board Meetings

The Advisory Board generally meets 2 to 3 times per year, as is necessary to complete its work. The Board met twice in 2015:

- **March 26–27, 2015, Albuquerque, NM**
The Advisory Board received an update on BIE’s special education programs, the Supplemental Education Program, and the Division of Performance and Accountability. The board identified two priority areas for focus: (1) Transition and Postsecondary Outcomes and (2) Parent Involvement/Engagement.
- **September 16–19, 2015, Washington, DC**
The Advisory Board received an update on BIE’s special education programs, reorganization of the BIE, memorandums of understanding (MOUs) and The Department of Human and Health Services, Division of Performance and Accountability (DPA) and Office of Special Education Programs (OSEP) Workgroups.

2015 Priorities Addressed

For 2015, the Advisory Board identified two priority areas to address. Board members separated into two subcommittees and each subcommittee selected a priority on which they will provide in-depth guidance and recommendations. The priorities are discussed in the following three sections.

Each priority description contains the following subsections:

- **Team Members:** Advisory Board subcommittee members who volunteered to address a priority area
- **Justification:** data highlights supporting the topic selection as a priority issue
- **Board IDEA Duty:** the board duty that this priority relates to, as defined in IDEA Section 300.714, (the authorizing legislation for the Advisory Board)
- **Indicators:** performance and compliance indicators from the BIE State Performance Plan included under IDEA, measured against their established targets by the Annual Performance Report
- **Goals:** the target outcome for activities that address the priority, which are broken down into objectives with respective timelines, evaluation criteria to help determine when the priority goal has been reached, and parties responsible for reaching the objectives, as outlined in Table 1 and Table 2.

Board recommendations are also provided for the priority goals overall, comprising final comments and suggestions from the subcommittee and the Advisory Board.



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Priority 1: Transition and Postsecondary Outcomes

Team Members

- Dr. Marilyn Johnson (Chair)
- Dr. Judith Hanks
- Mr. Norman Shawanokasic
- Dr. Juan Portley

Justification

The current forms of data evaluation for both Indicators 13 and 14 hinder a clear analysis of the results for the quality of transition planning of the Individualized Education Program (IEP), as well as the full scope of postsecondary activity for Native American students within BIE and tribal secondary schools. The results of Indicator 13, Form A, greatly underestimate the full scope of transition requirements necessary for successful postsecondary success for students with disabilities. Form B will provide greater detail regarding the depth of transition components, allowing for more targeted professional development in the secondary programs.

Changing the Indicator 14 Postsecondary Outcomes Survey to add more answer options will add greater detail in assisting with identifying what students pursue after high school. For example, graduates who work for their families in jobs, such as babysitting or working from home, are not counted as having a successful outcome in the current survey. It is critical to determine the detailed nature of student postsecondary pursuits to analyze how to prepare students for the options they face in their communities after they graduate high school.

Indicators

Indicator 13 (I-13) documents the quality of transition plans. Indicator 14 (I-14) documents Post-Secondary outcomes.

Goals

1. To collect more meaningful and accurate data regarding student transition planning (I-13).
2. To collect more detailed data on postsecondary outcomes (I-14).



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Table 1. Priority 1 Plan: Transition and Postsecondary Outcomes

Objective	Measurable Outcomes	Timeline	Evaluation	Responsible Party
Provide greater detail on postsecondary outcomes (I-14)	Increase the detail of student postsecondary outcomes to better gauge what Native American students are doing 1 year out of high school	Sept. 2015 Review survey changes Feb. 2016 Review I-14 survey results	Enhanced I-14 survey	DPA: Special Education (SPED) Unit
Increased inter-agency collaboration especially with tribal and/or state Vocational Rehabilitation, as reflected by MOUs	Increase the number of “yes” answers on Question 8 of the I-13 review, which indicates whether outside agencies were invited to IEP meetings	Sept. 2015 DPA released changes to the Department of Vocational Rehabilitation/ Tribal Vocational Rehabilitation activity Feb. 2016 Review I-13 data	I-13 Form B (expanded form) Number of schools that show evidence of inviting outside agencies to IEP meetings	Local school, state, and federal agencies
Use Form B of the I-13 Review	Increase the detail of data on the quality of transition planning in BIE and tribal secondary programs	Sept. 2015 Notified schools of the change in the review form and provided guidance for responses Feb. 2016 Review I-13 results	Change I-13 Review to Form B	Local school, state, and federal agencies DPA: SPED Unit



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Priority 2: Parent Involvement/Engagement

Team Members

- Dr. Harvey Rude (Co-Chair)
- Dr. Delores Gokee-Rindal (Co-Chair)
- Ms. Luvette Russell
- Dr. Susan Faircloth
- Dr. Rosemarie Dugi

Justification

The inclusion of parents in special education procedures ensures greater participation in their children's education. This is a required element of the special education law and procedures. Data reports demonstrate an increased trend in parental due process complaints, suggesting a need for enhanced attention to parental safeguards and rights. The allocation of time and resources focus on parent training, parental impacts on accountability, advocacy for students' rights and teacher accountability, and parent-to-parent support to justify this priority.

Indicator

Indicator 8 (I-8) measures the percentage of parents with children receiving special education services who reported that schools facilitated parent involvement as a means of improving services and outcomes for children with disabilities.

Goals

1. To ensure parents have a working understanding of their special education rights and responsibilities.
2. To increase parent participation through improved training and communication.
3. To initiate meaningful parental activities.



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Table 2. Priority 2 Plan: Parent Involvement/Engagement

Objective	Outcomes	Timeline	Evaluation	Responsible Party
Parent education: Training on regional and state resources	Identify needs Increase the number of trainings Identify appropriate training activities through a needs assessment	Fall 2015	Results of parent satisfaction survey Assessments to determine if needs were addressed	Associate deputy director Principal or school administrator Local school, state, and federal agencies; SPED coordinator; and/or lead SPED teacher
Explanation of procedural safeguards	All parents receive and demonstrate an understanding of procedural safeguard notifications All parents demonstrate an understanding of special education language and processes	Fall 2015	Parent satisfaction survey A measure identifying new knowledge of special education processes	Local school, state, and federal agencies SPED coordinator and/or lead SPED teacher
Increase parent engagement	Increase the percentage of parent participation (e.g., through IEP meeting, trainings or participation in the parental survey) Provide multiple methods for delivery of parent professional development (e.g., parent night)	Fall 2015	Parent survey Training attendance Consumer satisfaction	Local school, state, and federal agencies



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Recommendations

The Advisory Board subcommittees made the following recommendations for Priority Areas 1 and 2.

1. Distribute the parent survey to all eligible parents.
2. Complete and collect all eligible parent surveys.
3. Examine recent increases in parent complaints.
4. Analyze and utilize parent survey data.
5. Build training to support identified training needs.
6. Recruit qualified personnel to conduct the trainings.
7. Develop consistent parent participation and engagement in special education processes.

Letter to the Honorable Sally Jewell

August 4, 2015

Honorable Sally Jewell
Secretary of the Interior
U.S. Department of Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Jewell:

In accordance with PL 108-446, the Bureau of Indian Affairs (BIA)-Bureau of Indian Education (BIE) Advisory Board for Exceptional Children (the Advisory Board) met on September 17 through 18, 2015, to discuss and review the board's activities for 2015. During this meeting, it came to our attention that the current law chartering this board references BIA and BIE. However, given the 2005 restructuring of the Office of Indian Education Programs and the creation of the Bureau of Indian Education, we are unclear as to whom we are officially charged to assist and advise—BIA, BIE, or both. Your prompt response to this matter is appreciated.

This letter summarizes priorities determined by the Advisory Board, as established pursuant to P.L. 108-446 Sec. 6(h)(6)(B). From the greater list of challenges, the Advisory Board has identified two overarching topics:

1. Quality Transition Development and Postsecondary Outcomes
2. Parent Involvement/Engagement

First, BIE has not met the compliance rate, as required by statute, for the Office of Special Education Programs (OSEP) Indicator 13, which measures the quality of transition planning compliance across high schools. Additionally, the method employed to review the quality of the transition plans remains minimal based on the current review tool.



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Native American students with disabilities achieved less positive outcomes regarding employment and post-secondary education and training after leaving high school, as measured by postsecondary outcome data (OSEP reporting requirement Indicator 14) collected through the National Postsecondary Outcomes Survey. The survey in use at the time of this report did not consider the full scope of employment of Native American students. The Advisory Board contends that this data collection tool underestimated the post-secondary outcomes of many Native American students.

Secondly, parental involvement, as measured by OSEP reporting requirement Indicator 8, on the BIE 2013 Annual Performance Report indicates an over 50% completion rate and a 39% satisfaction rate. However, the Advisory Board contends the parental survey may not accurately assess the level of parental knowledge of their rights and responsibilities. The Advisory Board further asserts that parental rights training across the system inadequately informs parents or guardians of the special education process and services afforded to them.

Recommendations

A series of systemic barriers exist that impede BIE in meeting satisfactory determinations on the Annual Performance Report. The BIA-BIE Advisory Board, in addressing its statutory responsibilities, makes the following recommendations aimed at clarifying school-level challenges:

Transition Planning:

- Use the National Technical Assistance Center on Transition's Form B to collect more detailed information regarding transition planning at the secondary level.
- Provide professional development to assist in training stakeholders to develop quality transition plans.
- Add detailed questions to the existing National Postsecondary Outcomes survey to determine a wider scope of postsecondary outcomes for students 1 year after exiting high school.

Parental Involvement/Engagement:

- Provide ongoing opportunities for parents to receive information on special education processes and services.
- Increase parent invitations to school-based activities.
- Provide parent-friendly training materials detailing the effects of a disability on learning and special education requirements.

Data Collection:

- Assess comparative data between the corrective action plans at the school level and the Division of Performance and Accountability monitoring requirement findings for the Annual Performance Report.
- Administer appropriate and allowable consequences (e.g., monetary distribution) to schools that do not successfully address the corrective action plan in a timely manner.
- Increase timeliness of school-based compliance data submission to DPA.
- Develop school-based data teams to review compliance data for completeness and accuracy.



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- Further develop the Native American Student Information System to improve the collection and analysis of special education-related data.

BIE Human Resources:

- Expedite the hiring process for BIE employees.
- Utilize emergency hiring procedures in a timely manner.
- Encourage BIE-funded schools to partner with local universities to recruit graduates of teacher preparation programs.
- Provide special education training for school administrators.

The Advisory Board looks forward to a response, as well as an opportunity to meet with you in-person to discuss these critical issues. Our Designated Federal Officer, Sue Bement, has put forth the meeting approval for March 17 through 18, 2016. We hope you are able to attend or send a representative.

If you have any questions or would like further discussion prior to our next board meeting, please feel free to contact our newly appointed chairperson, Dr. Juan Portley, at j.portley@hotmail.com.

Sincerely,

The BIA-BIE Advisory Board for Exceptional Children



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Appendix 1: Advisory Board Members

Table 3 lists current Advisory Board members.

Table 3. Advisory Board Members

Member	Representative Category	Term	End Date
Dr. Jonathan Stout Lemont, PA mailto:jstout1@lhup.edu mailto:Woodman340@gmail.com	Teachers of Children with Disabilities/Service Providers	3 Years	3/2015
Dr. Juan Portley, Chair Santa Fe, NM mailto:j.portley@hotmail.com	Service Providers	3 Years	7/2017
Dr. Rosemarie Smith Dugi, Vice Chair Billings, MT mailto:rdugi@msubillings.edu	Indian Persons with Disabilities/ Indian Parents or Guardians of Children with Disabilities	3 Years	7/2017
Dr. Susan Faircloth Wilmington, NC mailto:susanfaircloth@gmail.com	Service Providers	3 Years	1/2016
Dr. Delores Ellen Gokee-Rindall Bayfield, WI mailto:Dee.gokee@redcliff-nsn.gov	Tribal Representatives	2 Years	7/2016
Dr. Judith Hanks Oshkosh, WI mailto:hanks@uwosh.edu	Service Providers	2 Years	7/2016
Delores Childs-Fullen, Secretary Chandler, AZ mailto:dgjfullen@aol.com			
Craig Euneau Hayward, WI mailto:Craig.euneau@bie.edu			
Christopher G. Bordeaux Pine Ridge, SD mailto:cgbordeaux@hotmail.com			
Dr. Harvey Rude Loveland, CO mailto:Harvey.Rude@unco.edu	Indian Parents or Guardians of Children with Disabilities	2 Years	7/2016
Luvette Ann Russell Tucson, AZ mailto:LAR51046@aol.com	Indian Parents or Guardians of Children with Disabilities	3 Years	7/2017



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Member	Representative Category	Term	End Date
Norman Shawanokasic Keshena, WI mailto:nshawanokasic@menominee.edu	Tribal Representatives	3 Years	1/2016
Carlita Lewis White River, AZ mailto:Carlita.lewis@bie.edu			
Paula Sorrell Seanez Window Rock, AZ mailto:paulaseanez@nndode.org			