

U.S. Department of the Interior

Bureau of Indian Education

**Advisory Board for Exceptional
Children**



Annual Report 2021

October 1, 2020 - September 30, 2021

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Recommendations Letter

September 22, 2021

The Honorable Deb Haaland
Secretary of the United States Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary, Haaland:

This letter describes the Bureau of Indian Education (BIE) Advisory Board for Exceptional Children's annual report regarding the provision of special education and related services for students with disabilities within BIE funded schools. In doing so, we outline three opportunities for improvement and related recommendations:

1. Effective and consistent implementation of BIE system(s) workforce plan to address BIE funded schools (Tribally Controlled Schools (TCS), Bureau Operated Schools (BOS), and Navajo region schools), Tribal Education Departments (TED), and Tribal colleges. This includes Haskell Indian Nations University and Southwestern Indian Polytechnic Institute.
2. Coordination of Special Education Services to include effective communication, collaboration, and transparency across the BIE system, other Bureau of Indian Affairs (BIA) divisions and Tribal Education Departments (TED) in support of tribal sovereignty. This includes all state and community agencies that support students with disabilities who attend BIE funded schools to ensure effective programming and transition from preschool to post-secondary life and education.
3. To ensure that all students with disabilities, their families, and their service providers within the BIE school system are provided with appropriate wellness support to address social and emotional needs.

The Office of Special Education Programs (OSEP) has determined that the BIE "Needs Assistance" to comply with regulations for implementing the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) for Federal Fiscal Year (FFY) 2019. The board has also reviewed the Government Accountability Office (GAO) report 20-358 released in May 2020 "*Actions Needed to Ensure Students with Disabilities to Receive Special Education Services*" and listened to reports from stakeholders to include Tribally Controlled, Navajo region, and Bureau Operated schools, along with comments from the public and the BIE to develop the recommendations for the 2021 Annual Report.

The Board fulfilled its charge of meeting four times this year. The Board continues to meet its obligation to provide an annual report to the Secretary of the Interior. Previous annual reports listed specific recommendations, with timelines and assigned duties, to improve the quality of education services for students with disabilities. The Board notes that progress has been made on recommendations from prior annual reports. The intent of this report is to build on the progress from the past year.

Timely implementation of the recommendations as outlined in the remainder of this report are critical as the BIE works to ensure compliance and fidelity to federal regulations regarding the education of Indian students with disabilities. Furthermore, such actions strengthen the federal government's efforts to respect and honor the federal trust responsibility for Indian education.

The opportunities, justifications, and recommendations from the Advisory Board are as follows:

I. Effective and consistent implementation of BIE system(s) workforce plan to address BIE funded schools (Tribally Controlled Schools (TCS), Bureau Operated Schools (BOS), and Navajo region schools), Tribal Education Departments (TED), and Tribal colleges. This includes Haskell Indian Nations University and Southwestern Indian Polytechnic Institute.

Justification: The BIE continues to make good progress in staffing positions in the Education Resource Centers, Associate Deputy Director and Central Office levels. The Board continues to have significant and ongoing concerns regarding the need for qualified special educators and related services personnel for Tribally Controlled Schools and Bureau Operated Schools.

Specifically, the board recommends the following:

- A. Provide quality technical assistance, e.g., resources, examples, policy and procedure ideas, related to the recruitment, employment, and retention of qualified personnel to ensure compliant special education service delivery.
- B. Initiate effective processes for recruitment, employment, and retention of qualified personnel within BIE funded schools, aligning with the school calendar to ensure positions are filled at the start of the school year, including expanded utilization of virtual delivery systems.
- C. Ensure the implementation of effective and efficient recruitment and training of candidates for positions as special educators and related service providers. The BIE is advised to work with Native American-serving special education preparation programs that can be leveraged to increase the number of special education professionals.

II. Coordination of Special Education Services to include effective communication, collaboration, and transparency across the BIE system, other BIA divisions and Tribal Education Departments in support of tribal sovereignty. This includes all state and community agencies that support students with disabilities who attend BIE funded schools to ensure effective programming and transition from preschool to post-secondary life and education.

Justification: Per the Individuals with Disabilities Education Act (IDEA) statute, the BIE is required to develop and implement a plan for the coordination of services. The plan is for all children with disabilities covered under this title.

Specifically, the board recommends the following:

- A. Revise, implement and provide training related to the plan of coordination required by the IDEA statute.
- B. Finalize, adopt, and provide training related to the BIE Special Education Policy and Procedures Manual.

III. To ensure that all students with disabilities, their families, and their service providers within the BIE school system are provided with appropriate wellness support to address social-emotional needs.

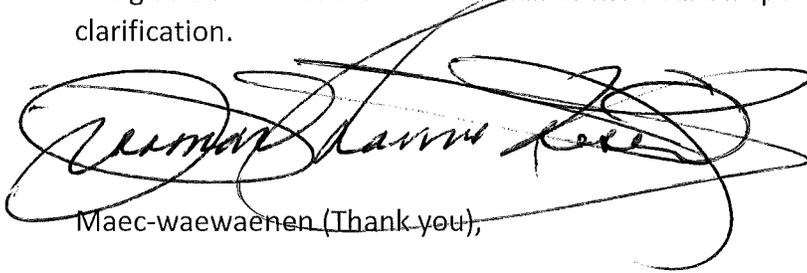
Justification: The ongoing impact of COVID-19 has produced significant stress on students, families, and educators. Children with disabilities may be at increased risk for more severe illness and complications. This includes children with chronic physical, developmental, behavioral, or emotional conditions, disabilities, and those with medically complex conditions. This results in increased need for additional services and supports for students, families, and staff. COVID-19 has resulted in learning loss over the course of the past year and an increase of special education referrals.

Specifically, the board recommends the following:

- A. Increase supports for families of children with disabilities during these trying time of COVID-19 to reduce the possibilities or the occurrences of neglect and abuse.
- B. Increase supports and services for students with disabilities in the overall wellness and social-emotional arena.
- C. Increase supports and services for special education staff and related services personnel, in the overall wellness and social-emotional arena (e.g., peer supported networks, capacity building, and promotion of resiliency).

The Advisory Board respectfully requests acknowledgement of the receipt of this letter and the accompanying report. We welcome the opportunity to meet and discuss these issues with your office.

Thank you for the opportunity to share these recommendations. Please inform the assigned Designated Federal Officer on behalf of the Board if specific content in this letter needs further clarification.



Maec-waewaenen (Thank you),

- Norman Shawanokasic, Chairperson
- Brenda Anderson, Secretary
- Dr. Robin Blitz, M.D., Board Member
- Katinee Chavez, Board Member
- Cynthia Frank, Board Member
- Dr. Perry Graves, Ed.D., Board Member
- Marsha LaFollette, Board Member
- Teresa McMakin, Board Member
- Dr. Harvey Rude, Ed.D., Board Member
- Teryl Running Horse, Board Member
- John Struck, Board Member

cc:

Honorable Senator Patty Murray, Chair, Senate Health, Education, Labor and Pensions Committee

Honorable Robert C. Scott, Chair, House Education and Labor Committee

Miguel Cardona, Secretary of Education

Bryan Newland, Assistant Secretary - Indian Affairs

Tony Dearman, Director, BIE

Margo DeLaune, Acting Associate Deputy Director, BIE

Dr. Eugene Thompson, Supervisory Education Specialist (IDEA), BIE

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, the BIE is required to establish an advisory board for the same purpose. The BIE Advisory Board for Exceptional Children authorized by Part B, Section 611(h)(6) of the IDEA Reauthorization of 2004 (the Act, 200 U.S.C. 1400), represents the special education needs of all students with disabilities served by the BIE education system.

Currently, the BIE oversees a total of 183 elementary, secondary, residential, and peripheral dormitories across 23 states. There are 130 schools that are tribally controlled under P.L. 93-638 Indian Self Determination Contracts or P.L. 100-297 Tribally Controlled Grant Schools Act. The remaining 53 schools are directly administered by the BIE. Currently, the BIE education system serves approximately 49,000 elementary and secondary students; of these students, approximately 6,233 have disabilities.

Board Responsibilities

The Advisory Board's duties, which are solely advisory, are to:

- assist in the coordination of services within the Bureau of Indian Affairs (BIA) and the BIE with other local, state, and federal agencies in the provision of education for infants, toddlers, and children with disabilities.
- advise and assist the Secretary in the performance of the Secretary's responsibilities as described in Section 611(h)(6) of the Act.
- 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.
- 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.
- assist in the preparation of information required to be submitted under Section 611(h)(6) of the Act.

Annual Reporting

The Board is required by federal regulation (34 C.F.R.: 300.715) to submit an annual report describing its activities during the preceding year. The annual report identifies specific areas of need that the 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 2021.

Board Membership and Stakeholder Group Representation

The Advisory Board currently has 11 out of 15 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,
- Members representing entities of BIE or BIA.

Board members are appointed to 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 Board chairperson. (Appendix: Advisory Board Members lists all members of the 2021 Advisory Board and indicates which stakeholder category each member represents).

FACA Regulations

As an advisory board to a federal agency, the Board falls under the requirements of the Federal Advisory Committee Act (FACA; 5 U.S.C., 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 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 the BIE to support the Advisory Board,

- Ensuring that members avoid conflicts of interest, and
- Limiting membership terms.

Jennifer L. Davis, Designated Federal Officer (DFO) has assisted the Advisory Board in maintaining compliance with these requirements.

2021 Advisory Board Meetings

The Board met four times this year to complete its work for FY 2020-2021 (October 1, 2020 through September 30, 2021). Due to the COVID-19 pandemic, all meetings were conducted online to ensure the safety of all individuals who participated. There were no travel expenses that were involved for any board member or federal employee for all meetings. A total cost of \$700.00 was expended during FY20-21 to publish four Federal Register Notices (\$175.00 each) to advertise for each meeting.

January 27-28, 2021, Virtual Advisory Board Meeting

The Board received updates from the Central Office, the Chief Academic Office, the Division of Performance & Accountability (DPA) Office, BIE Special Education Program, and the BIE Office of Sovereignty in Indian Education. The Board also listened to presentation reports from each of the BIE's Associate Deputy Directors special education programs: Navajo Schools (BOS and TCS), Bureau Operated Schools (BOS) and Tribally Controlled Schools (TCS). Public comment sessions were provided each meeting day. The Board also discussed various priorities for FY2021.

April 28-29, 2021, Virtual Advisory Board Meeting

Three Tribal Education Department (TED) grantees were invited to the meeting. The Mississippi Band of Choctaw Indians Tribal Education Department, The Hopi Tribal Education Department, and the Navajo Nation Tribal Education Department. Each TED was asked to respond to several questions. The goal was to discuss, *"How the implementation of the Tribe's TED grant project benefitted the overall system of education for students and families on the reservation (e.g., changes to tribal education Code, expanded authority, enhanced support of federally supported programs and services, etc.), and more specifically the provision of special education services?"* Report updates were also provided by the BIE Office of Sovereignty in Indian Education, BIE Central Office Update, BIE Chief Academic Office, and the BIE Special Education Program. Public comment sessions were provided each meeting day.

July 28-29, 2021, Virtual Advisory Board Meeting

The Board received updates from the BIE Central Office and the BIE Special Education Program. The Board also listened to presenters who reported from each of the BIE's Associate Deputy Directors special education programs: Navajo Schools (BOS and TCS), Bureau Operated Schools (BOS) and Tribally Controlled Schools (TCS). The Board also invited two Bureau funded schools to provide insight in their school year for 2020-2021. The goal was to listen and discuss the *"Impact of COVID-19 and how each school addressed challenges related to academics, learning loss, wellness, resiliency and social-emotional learning for all students and specifically, for students with disability."* Lastly, the BIE provided the Board information about the State

Performance Plan and Annual Performance Plan. Public comment sessions were provided each meeting day.

September 22, 2021, Virtual Advisory Board Meeting

The Board conducted its last meeting for FY2021 to complete the required 2021 Annual Report and to set dates for the next two Board meetings to occur January 12-13, 2022 and April 20-21, 2022. Two public comment sessions were provided during this meeting.

Advisory Board Membership during FY2020-2021

Name and State Location	Represents Category	Term Period
Norman Shawanokasic Chairperson (Wisconsin)	Tribes or tribal organizations	3-Years 7/9/20 to 7/9/23
Brenda Anderson Secretary (Arizona)	Tribes or tribal organizations	3-Years 4/1/19 to 4/1/22
Dr. Robin Blitz, M.D., Board Member (Arizona)	State Interagency Coordinating Councils	3-Years 7/9/20 to 7/9/23
Katinee Chavez Board Member (Wisconsin)	Indian persons with disabilities	3-Years 4/1/19 to 4/1/22
Cynthia Frank, Board Member (New Mexico)	Indian parents/guardians of children with disabilities	3-Years 7/9/20 to 7/9/23
Dr. Perry Graves, Ed.D. Board Member (Kansas)	Teachers of Children with Disabilities	3-Years 1/14/21 to 1/14/24
Marsha LaFollette Board Member (Iowa)	Service Providers to Children with Disabilities	3-Years 1/14/21 to 1/14/24
Teresa McMakin Board Member (Montana)	Local Education Officials	3-Years 4/1/19 to 4/1/22
Dr. Harvey Rude, Ed.D. Board Member (Colorado)	Service Providers to Children with Disabilities	3-Years 7/9/20 to 7/9/23
Teryl Running Horse Board Member (South Dakota)	Indian persons with disabilities	3-Years 1/14/21 to 1/14/24
John Struck Board Member (Iowa)	Teachers of Children with Disabilities	3-Years 7/9/20 to 7/9/23

Board members who served during FY2020-2021 with terms expiring during 2021.

Name and State Location	Represents Category	Term Period
Dr. Eudore Camata, Ed.D. Board Member (New Mexico)	Local Education Officials	2-Years 4/1/19 to 4/1/21
Marcy Oliver Starr Secretary (Arizona)	State Education Officials	2-Years 4/1/19 to 4/1/21
Jennie Platerio Board Member (Arizona)	BIE employees concerned with the education of children with disabilities	2-Years 4/1/19 to 4/1/21
Gretchen Wendell Vice-Chair (South Dakota)	BIE employees concerned with the education of children with disabilities	2-Years 4/1/19 to 4/1/21



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