

Havasupai Elementary School Section 504 Compliance Plan  
Section 504 Monitor's Quarterly Report  
November 2022

I. Introduction

The current Section 504 Monitor's appointment at Havasupai Elementary School (HES) commenced on February 2, 2022.

In fulfillment of the Section 504 Monitor's responsibilities according to the Compliance Plan and in preparation for this report, the following activities were undertaken:

- Review of all relevant documents, including the Settlement Agreement, Compliance Plan, National Policy Memorandum, all Section 504 policies and safeguards posted to the Havasupai Elementary School's (School) website, and previous reports.
- Attendance at the Listening Sessions on March 1, 2023, May 17, 2023, and September 13, 2023, and review of Listening Session reports as available.
- Onsite visit to HES during the fourth week of August 2023.
- Interviews with five staff members and the Principal.
- Interview with the Section 504 Coordinator.
- Meeting with Tribal Council members.
- Review of most recent Section 504 data and documentation received from the Section 504 Coordinator during the fourth week of June 2023.

II. Concerns

Several concerns are noted in this report as described below. These concerns were presented to the monitor by various staff members for inclusion in this report.

- Individuals staff members are not named in this report due to the fear of retaliation from the Principal and administration from the BIE. Staff members spoke candidly and emotionally with this investigator, expressing fear, frustration, and emotional trauma due to the unhealthy environment at HES.
- Staff turnover continues to be extremely high, compounding long term staff shortages and the need to group multiple grades into one classroom. School staff reported that they are vulnerable to losing their positions if any concerns are expressed to administration. Staff described teachers being removed, ushered out, and retaliated against for voicing concerns. Although staff turnover and frequent terminations were identified as a destabilizing force in a previous monitor's report, the practice continues on a frequent basis. Also, use of HES as a "place filler" while teachers (described as personal friends of the Principal) wait for promotional opportunities in other BIE schools serves to create a revolving

door of teaching staff. Two staff members resigned while the monitor was present in August to take other positions within the BIE's education system. Another staff member resigned out of frustration with a "lack of support" when dealing with difficult students.

- The Principal combined different grade levels into one classroom, causing instructional challenges and overcrowding, without informing parents.
- School staff do not feel supported or heard. Several are "traumatized" by the administration and environment. Other staff expressed emotional concerns about the "toxic" environment and fear of retaliation.
- Staff reported a lack of leadership, little communication, and no support as barriers to working at HES. "If you express concerns outside of your chain of command, your days are numbered."
- Community involvement in the Section 504 process continues to be low, making it extremely difficult to interact with parents and families on a personal level regarding their experiences with Section 504 at the School. Parents are not yet willing to participate in any interviews. During the August HES visit, staff described a lack of communication between the Principal and parents. For example, the decision to combine grades in one classroom was made without any parent involvement, and the Principal failed to communicate with parents about the change.
- Tribal Council described concerns with the School's low attendance rates, high dropout rates, low achievement scores, potential physical abuse of students by the Principal, lack of community outreach, and lack of commitment from the Principal and the BIE's Education Resource Center (ERC). They expressed interest in transferring responsibility for Havasupai Elementary School to a different ERC within the BIE's leadership structure, hoping to achieve a fresh start and productive relationship with a new team from another ERC.
- The School's website, where vital Section 504 information is available to parents and the community, was not operational for several weeks. It was brought to the School's attention through attorneys and this monitor. During the monitor's onsite visit, the website remained offline. As of the date of this report, the website is once again working.
- 18 students are identified as eligible under the Individuals with Disabilities Education Act (IDEA). However, when onsite this monitor was in the special education classroom most of the school day. No students were provided service on that day. Staff reported that lack of service is a consistent problem, and students rarely receive special education service from a special education teacher. The special education classroom was disorganized, and personally identifiable student information was observed to be visible throughout the room.
- No suspension, expulsion, or discipline data was provided. Yet, the Principal spoke of suspensions the in the 2022-2023 school year, and another student was suspended when the monitor was onsite at the end of August. Students are removed for disciplinary reasons, but no documentation is kept.

- All professional development activities were cancelled during the summer. This is especially concerning in view of the high staff turnover and the need for new staff training.
- The School is in need of repair. One classroom is not usable due to an overhanging tree creating an unsafe situation. The Principal shared his efforts to have the tree removed, but without success. Another classroom has a significant air conditioning leak with portions of the ceiling plaster falling into the classroom, necessitating buckets to catch water next to where the students are seated.

### III. Policies and Procedures

Section 504 policy and procedure information is found under the Student Services tab accessible from the School's main page.

#### A. National Policy Memorandum

- The National Policy Memorandum (NPM) is no longer available on the School's website. It has been replaced with the Indian Affairs Manual, Part 30, Chapter 15 issued in June 2022. The Indian Affairs Manual serves the same purpose of the NPM and is interpreted for the purpose of this report to meet the NPM requirement.
- The Section 504 Annual Notice on the School's website was appropriately amended to reflect the Indian Affairs Manual rather than the NPM, with a working hyperlink to the Indian Affairs Manual.
- The Section 504 Plan Annual Notice correctly references the current Section 504 Coordinator.
- The NPM remains available in hard copy at the School's office.

#### B. Procedural Safeguards

- The School maintains a copy of a Procedural Safeguards document dated February 1, 2022 on its website. The Procedural Safeguards notice is clearly marked, and the link is functioning properly. The Procedural Safeguards document includes the three required elements: Notice of rights under Section 504; parental access to relevant records; and information on how to file a complaint with the Department's Office for Diversity, Inclusion and Civil Rights.

#### C. Distribution of the Procedural Safeguards

- The School confirmed that the Annual Notice and Procedural Safeguards were sent to all households of enrolled students via email on September 29, 2022 and will be sent again this fall.

#### D. Identification, Evaluation, and Eligibility Policy

- The Section 504 Identification, Evaluation, and Eligibility document is located on the School's website. The Identification, Evaluation, and Eligibility document is clearly marked, and the link is functioning properly. The Identification,

Evaluation, and Eligibility document states that it is “Effective as of the 2021-2022 school year.”

- The School posted a Section 504 Referral form as required by previous corrective action from this monitor. The Section 504 Referral form provides staff, parents, and community with a resource for referring a student for Section 504 consideration.
- Implementation of the Section 504 Identification, Evaluation, and Eligibility document remains in the early stages. Staff struggled to refer and have three students evaluated in the last year.
- The Section 504 Coordinator indicated that staff have been trained in MTSS procedures and data collection. However, high staff turnover and administrative leadership continue to be a barrier to full implementation.

#### E. Discipline Policy

- The Discipline Policy is posted on the School’s website.
- The Discipline Policy states that it is “Effective as of the 2021-2022 school year.”
- No students are currently identified as eligible for Section 504 services, and no suspension or expulsion data exists despite verbal reports that some students have been suspended for disciplinary purposes. Therefore, the monitor was unable to review suspension/expulsion data and unable to follow up with parents.

### IV. Section 504 Coordinator

#### A. Designation

- The BIE designated Katharine Ford as the Section 504 Coordinator in February 2022. She continues to serve in this role.
- The current Section 504 Coordinator is also responsible for other duties as an Education Specialist, Special Education in the Office of the Associate Deputy Director, including MTSS implementation at the School. Having the Section 504 Coordinator serve as the lead in implementing a strong MTSS program is mutually beneficial. Identification of at-risk students through the intervention process will likely serve as the primary referral source for potentially eligible Section 504 students.
- The monitor interviewed the Section 504 Coordinator, and she provided all requested information. She has the appropriate knowledge to carry out the assigned duties and understands the foundational importance of having a robust MTSS system to support Section 504. The Section 504 Coordinator is a proponent of and an active participant in the MTSS system at HES. She visits HES regularly and provides ongoing support to staff.
- The Section 504 Coordinator indicated that the MTSS team meets monthly to review and discuss the needs of any students who need additional support.

B. Posting of the Section 504 Coordinator's contact information

- The Section 504 Coordinator's contact information is clearly posted on all website documents pertaining to Section 504.
- School staff indicated that they are familiar with the Section 504 Coordinator and view her as a resource.

C. Section 504 referral form and process

- The School has a Section 504 Referral form posted on its website.
- Since no students have been identified as in Section 504 evaluation process or eligible for services, no student records were reviewed for compliance.
- The Section 504 Coordinator and HES staff confirmed that 3 students received special education evaluations and were subsequently identified as eligible under the IDEA. The evaluations commenced last school year and were completed this fall.
- Implementation of an Individualized Education Program (IEP) developed in accordance with the IDEA is one means of meeting the requirements of Section 504. *34 C.F.R. §104.33(b)(2)*. "If a student is eligible under [the] IDEA, he or she must have an IEP. Under the Section 504 regulations, one way to meet Section 504 requirements for a free appropriate public education is to implement an IEP," OCR wrote. *Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, 67 IDELR 189 (OCR 2015). Therefore, it is possible that students who would otherwise be eligible under Section 504 would have their educational needs met through IDEA. This may account for the fact that no students have yet been identified as Section 504 eligible.

D. Coordination between BIE and School Section 504 Coordinators and training

- The Section 504 Coordinator assumed duties in February 2022. She is very familiar with the duties of a Section 504 Coordinator, the School's responsibilities, and the corresponding rights afforded to children and parents. The Section 504 Coordinator was present at the School during the time that this monitor was onsite. She is proactive in her efforts to support the children and parents of HES.
- The Section 504 Coordinator provided a copy of a Powerpoint training developed and delivered by the BIE Section 504 Coordinator that is used with new staff. Use of common training material is evidence of collaboration between the School and BIE Section 504 Coordinators.
- Summary information on elements for Section 504 is provided below.
  - No students are identified as eligible for Section 504 at the School. Therefore, the monitor did not collect further information from a parent/guardian on this element.

- Review of programs and activities: The monitor visited the school in August 2023.
- The staff at HES indicated that a curriculum has been implemented for Language Arts only. The teachers reported searching on the internet for appropriate teaching materials in other areas.

#### E. Section 504 Complaint Process

- A review of Section 504 documents on the website provide detailed information about filing a complaint with the Department of Interior's Office of Diversity, Inclusion and Civil Rights. Specifically, the Annual Notice, the Manual, the Procedural Safeguards, and the Discipline Policy contain information on how to file a complaint.
- According to the School, no complaints have been filed.

#### F. Individual Accommodations Plan (IAP)

- No students have been identified as eligible for Section 504 services. Therefore, no IAP information is available to review.

#### G. Accommodations provided consistent with IAP

- No students have been identified as eligible for Section 504 services. Therefore, no IAP information is available to review.

#### V. Training

- A. The training materials were reviewed by the monitor. A five question pre-test was utilized to assess participant's basic knowledge. The pre-test is an effective tool to help align training to participant needs.
- B. The materials are appropriate as to content. They are well written and factually correct. The training is delivered via Zoom (or other online environment) as a PowerPoint presentation. The delivery method, whether in person or remote, is appropriate.
- C. The high staff turnover complicates and delays the training process. New staff continually need training in all Section 504 requirements.

#### VI. Section 504 Community Listening Sessions

- A. The monitor participated in the February 5, 2020 Listening Session via Zoom; the June 25, 2022 Listening Session in person at the School, and the October 19, 2022 Listening Session via Zoom.
- B. The Section 504 Coordinator facilitated each listening session. The Section 504 Coordinator issued written report summarizing the first two listening sessions within 45 days of each session. The report from the October 19<sup>th</sup> session has not yet been received.

- C. The BIE circulated a flyer at least 14 days in advance of the May listening session with information about ways in which to participate and a brief agenda before each session. The parties agreed to proceed with the September 13<sup>th</sup> listening session without a full 14 days notice.
- D. The monitor participated via Zoom in the May and September 2023 listening sessions. Food, beverages, and door prizes were offered to all participants. Some community members attended the meetings along with school staff. Frustration was expressed about the format of the meetings, and some questions were asked (to be answered later by the BIE).
- E. In order to increase participation in the future, the monitor recommends that the format of the Listening Sessions be amended to more of a dialogue to build rapport and trust. Any questions of substance or student specific questions could be deferred, as is the current practice. However, simple questions, for example, regarding contents of a policy or the number of students receiving Section 504 services, should be answered in order to be responsive to the needs and time commitment of the community. The monitor is concerned that if listening sessions continue with the current format, community frustration and distrust with the process will grow and the purpose of the sessions will be undermined.

## VII. Recommendations

In light of the fact that the monitor's role has concluded according to the terms of the settlement agreement, several recommendations are made for consideration by the parties and HES.

- A. Create a leadership team in place of a single principal. The leadership team would provide additional support for instructional staff, students, and the community. Consider creating a leadership team comprised of an Instructional Leader and a School Climate Leader in place of the current leadership to support teachers and parents while improving instruction and outcomes for all students.
- B. Create a family liaison position to improve school/community/parent relationships, address truancy, and support families.
- C. Transfer the control of the School to a different ERC to provide a fresh start and open lines of communication.
- D. Provide monthly reports to Tribal Council in order to keep them informed and the community apprised of the school's activities. Important data to provide to Tribal Council without any personally identifiable information includes, at a minimum:
  - Numbers of staff on-boarding, resignations, and terminations.
  - Changes to class/grade structure, e.g. combined grades.
  - Student attendance percentages and dropout rates.
  - Results of School and state assessments, growth, or slippage, and progress toward state standards.
  - Numbers of suspensions, expulsions, or any other disciplinary removals.

- Numbers of students eligible for special education and Section 504.
- E. Utilize Tribal Council in an advisory capacity to the School's Leadership Team, providing input on curriculum adoption, family involvement, housing issues, School/community relationships, and School climate issues.
- F. Develop a staff recruitment plan capitalizing on international models where teachers and providers are willing to relocate for a two year commitment.
- G. Develop a plan to eliminate barriers to staff longevity and commitment to HES.  
Consider:
  - Increasing and improving staff housing options.
  - Reducing helicopter fees to permit staff regular contact with their families.
- H. Develop a plan to make physical improvements to classrooms, the playground, and school grounds.

VIII. Conclusion

Although no clear Section 504 deficiencies exist, the protections and supports are under utilized due primarily to challenges like chronic staff shortages, a toxic school climate, and lack of an instructional leader. No Section 504 corrective action is warranted. However, the monitor encourages the parties to consider the recommendations noted above in order to make lasting improvements to the educational opportunities for all students at Havasupai Elementary School.

Dated the 18th day of September 2023.



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Lenore Knudtson  
Section 504 Compliance Monitor