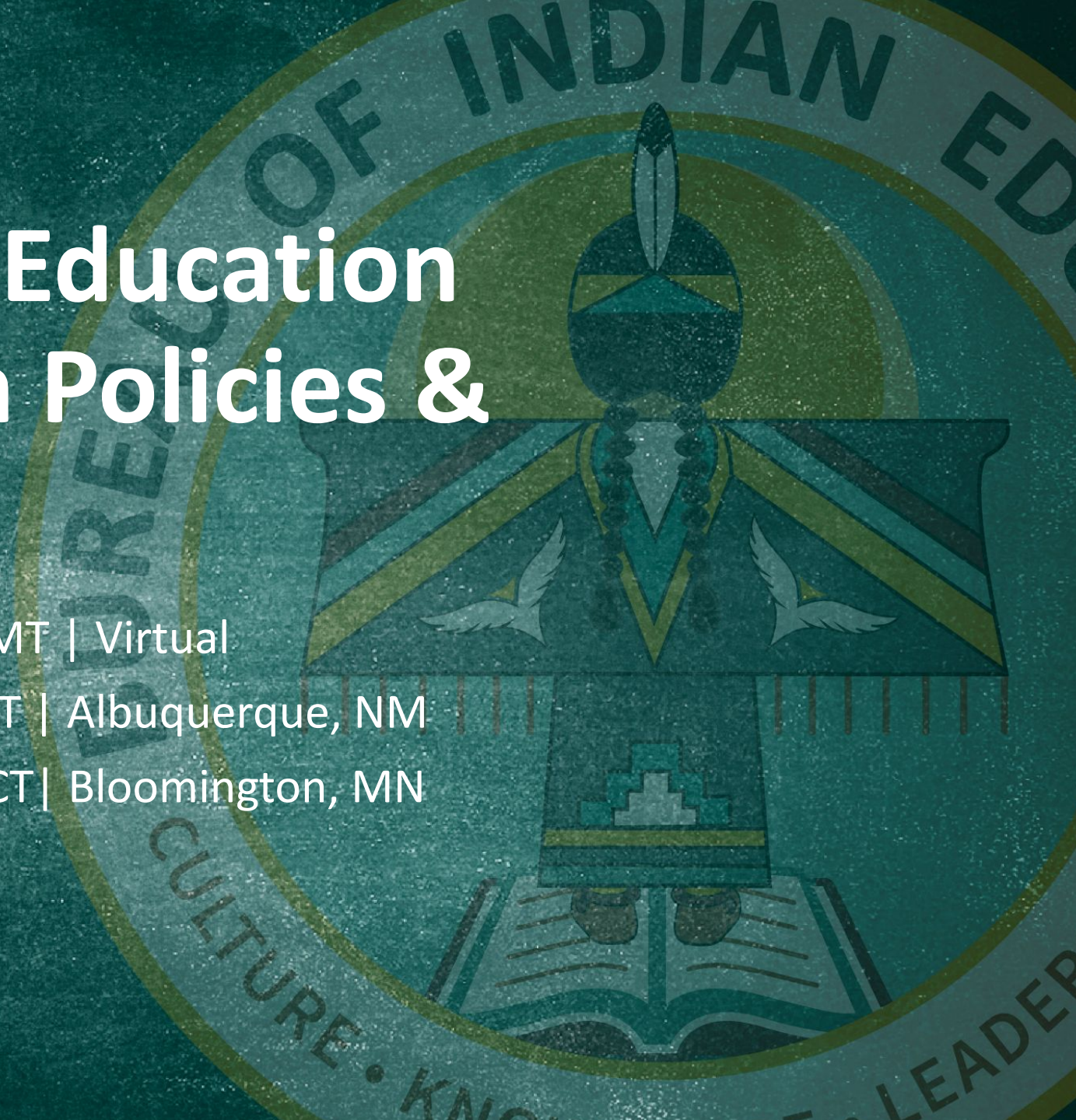


Bureau of Indian Education Special Education Policies & Procedures

- October 13, 2023, 9:00-11:00 AM MT | Virtual
- October 18, 2023, 5:00-7:00 PM MT | Albuquerque, NM
- October 25, 2023, 9:00-11:00 AM CT | Bloomington, MN





zoom
WELCOME!

To begin, follow the steps below:

Please mute your microphone. (Bottom Left)

Hello! As you join the meeting, hover to locate the CONTROL Toolbar at bottom of screen (see black bar below)

Please type in your name, school or tribe, and state in the CHAT box.

CHAT: We will be using the CHAT box throughout the session. Please type them into the CHAT box at any time.

Unmute Stop Video Security Participants Chat Share Screen Record Reactions End

Comments provided by chat today are part of the record for today's consultation



OPENING PRAYER



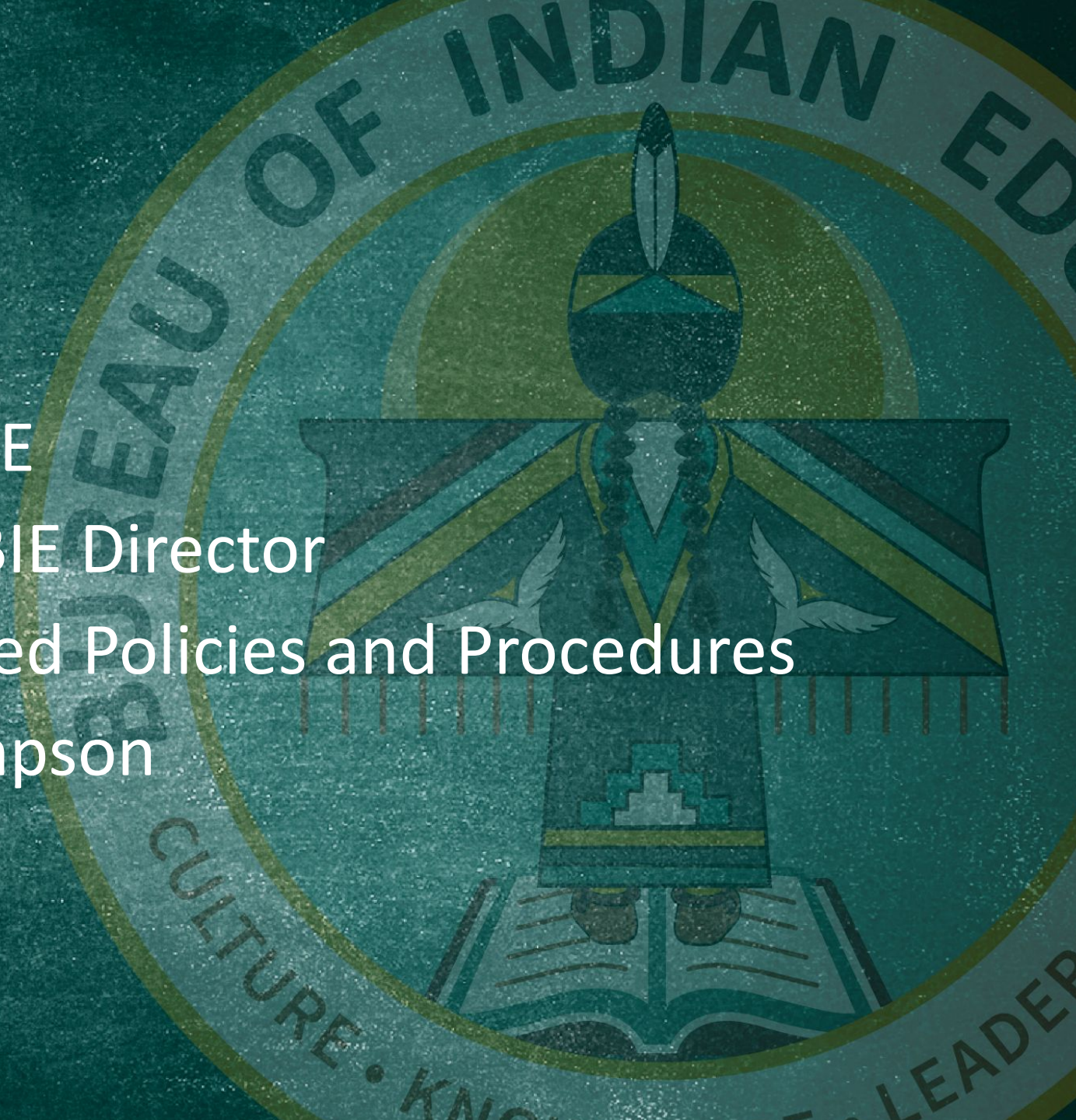
MISSION

The mission of the BIE is to provide students at BIE-funded schools with a culturally relevant, high-quality education that prepares students with the knowledge, skills, and behaviors needed to flourish in the opportunities of tomorrow, become healthy and successful individuals, and lead their communities and sovereign nations to a thriving future that preserves their unique cultural identities.



Agenda

- Introduction from BIE
 - Tony Dearman, BIE Director
- Highlights of Proposed Policies and Procedures
 - Dr. Eugene Thompson
- Public Comments
- Closing





INTRODUCTION FROM BIE



Tony Dearman

Director

Bureau of Indian Education



Eugene Thompson

Supervisory Education Specialist

BIE Division of Performance and
Accountability



Margo DeLaune

Associate Deputy Director

BIE Division of Performance and
Accountability



Cesar D'Agord

External Facilitator

WestEd



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PRESENTATION OF POLICIES & PROCEDURES



Highlights

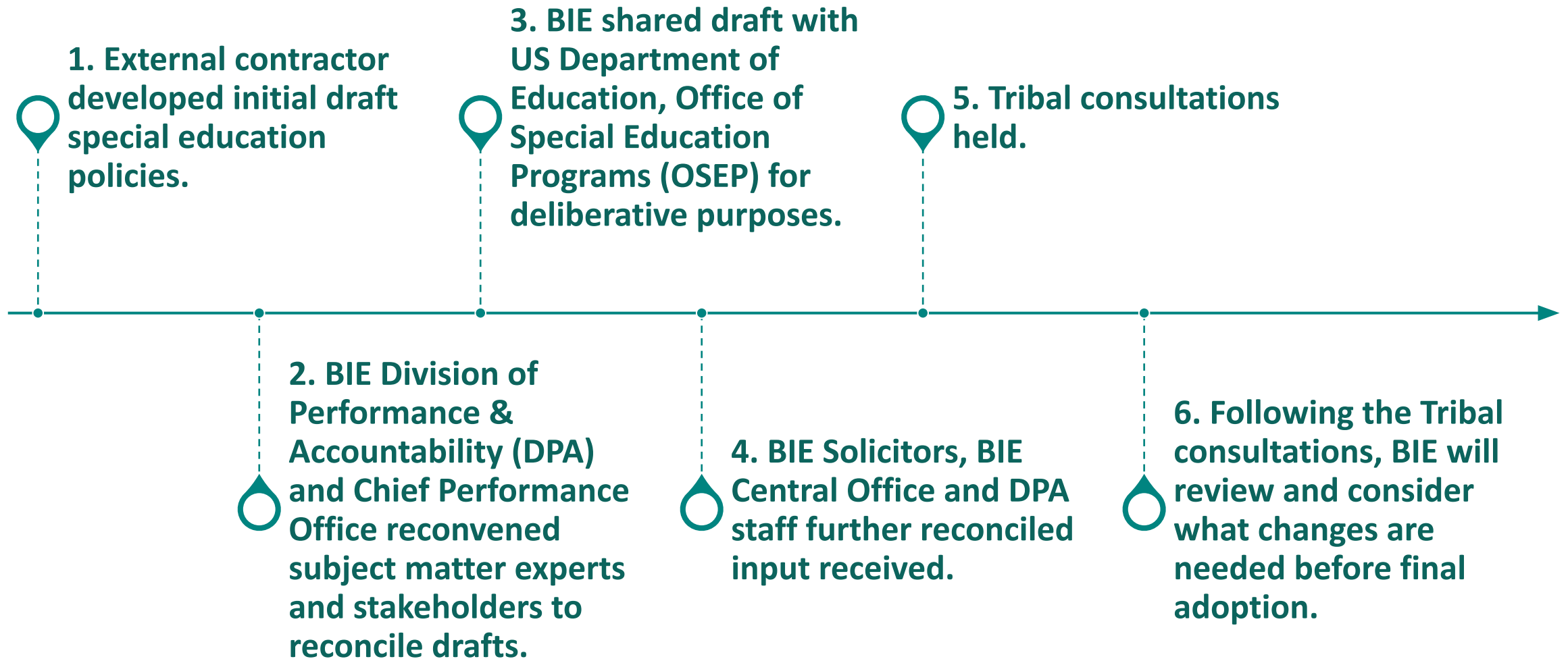
- Introduction & Purpose
- Review Related Timelines
- Clarification of Roles & Responsibilities
- Overview Areas Included
- Requests for Public Comments



INTRODUCTION & PURPOSE

- **The Bureau of Indian Education (“BIE”) is responsible for ensuring that its implementation of Part B of the Individuals with Disabilities Education Act (“IDEA”) meets applicable requirements.**
- **This policy is intended only to set forth procedures for complying with BIE’s obligation to comply with IDEA and its regulations and does not create any independent or new rights, benefits, or trust responsibility, substantive or procedural, enforceable by law or equity, by a party against the United States, its agencies, its officers, or any person.**

DEVELOPMENT TIMELINE

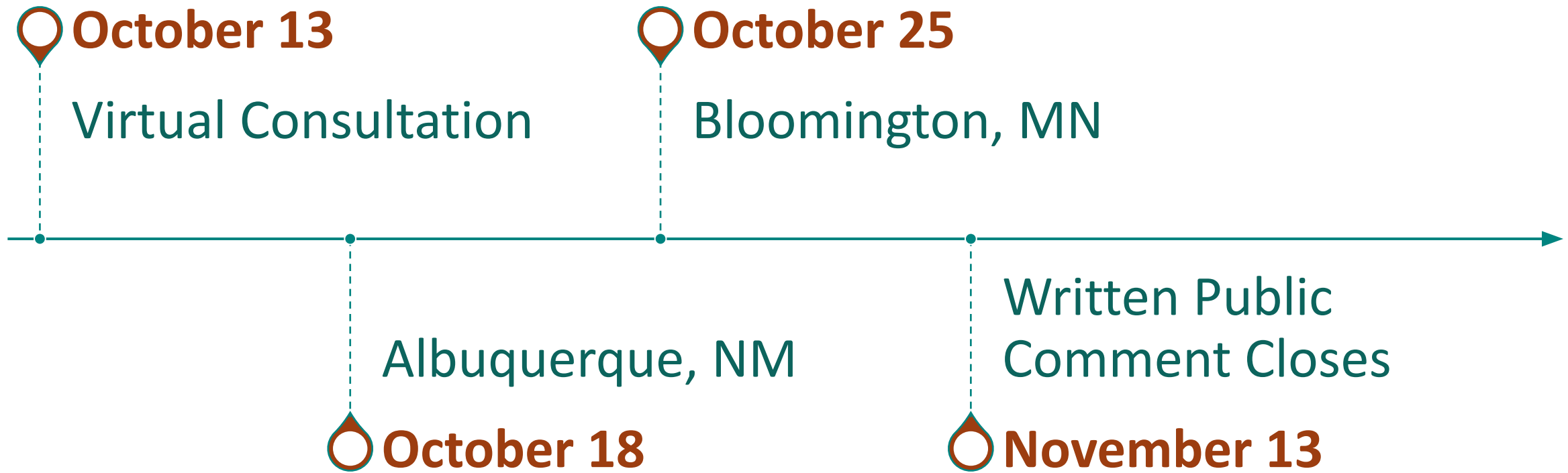


CONSULTATION PRINCIPLES

- Tribal consultation is a two-way, Nation-to-Nation exchange of information and dialogue.
- Consultation recognizes Tribal sovereignty.
- Consultation requires that information obtained from Tribes be given meaningful consideration, and agencies should strive for consensus with Tribes or a mutually desired outcome.
- Consultation will ensure applicable information is readily available to all parties, adequate time to communicate, and consulting Tribal Nations are advised as to how their input influenced decision-making.



TRIBAL CONSULTATION AND PUBLIC COMMENT TIMELINE





CLARIFICATION ON ROLES & RESPONSIBILITIES

- **Director, Bureau of Indian Education**
- **Division of Performance & Accountability (DPA)**
- **Associate Deputy Directors (Bureau-Operated, Navajo & Tribally-Controlled Schools)**
- **Education Resource Centers (ERCs)**
- **Education Specialists – Specialist Education**
- **BIE-funded Schools & IEP Teams**



FLEXIBILITY FOR TRIBALLY CONTROLLED SCHOOLS

- **Where appropriate, throughout the policy, BIE identifies where Tribally Controlled Schools have flexibility to follow requirements and processes determined by their Geographic State.**



FLEXIBILITY FOR TRIBALLY CONTROLLED SCHOOLS

- **Examples:**

- **Initial Evaluations** | Some states where BIE-funded Schools are located have 25 school days to complete an evaluation and determine eligibility.
- **Secondary Transition** | Some states where BIE-funded Schools are located require secondary transition plans to be in effect by 14 years of age.



AREAS INCLUDED

1. Parental Consent,
Involvement &
Procedural Safeguards

2. Evaluations &
Reevaluations

3. Individualized
Education Program,
IEP Development and
Least Restrictive
Environment

4. Dispute Resolution

5. Child Find

6. Early Intervening
Services

7. Discipline

8. Transition Services

9. Exiting Special
Education

10. Confidentiality

PARENT CONSENT, INVOLVEMENT & PROCEDURAL SAFEGUARDS

Schools must include parents and/or eligible guardians in the process of determining whether a child is to receive or renew special education services.

- Procedural Safeguards
- Parental Consent
- Independent Educational Evaluation (IEE)
- Prior Written Notice (PWN)
- Opportunity to examine records
- Parent participation in meetings

EVALUATIONS & REEVALUATIONS

Before a child who is suspected of having a disability is placed in a special education program, an evaluation must be made to determine whether the child is a child with a disability.

- Initial Evaluations & Reevaluations
- Evaluation Procedures
- Determination of Eligibility
- Additional procedures for identifying children with Specific Learning Disability



INDIVIDUALIZED EDUCATION PROGRAM (IEP), IEP DEVELOPMENT AND LEAST RESTRICTIVE ENVIRONMENT (LRE)

Upon placement in any special education program, a written Individualized Education Program (IEP) is developed that identifies the current level of achievement, a statement of measurable annual goals including measurement, services, extent to which the child will not participate with non-disabled peers, accommodations and/or modifications, and a projected timeline of services.

IEP, IEP DEVELOPMENT & LRE

This section includes the following:

- IEP including development, review and revisions
- IEP Team, including parent participation
- When IEPs must be in effect
- Private school placement by BIE-funded schools
- LRE requirements
- Placement and continuum of alternative placements
- Non-academic settings
- Monitoring Activities



DISPUTE RESOLUTION

BIE's dispute resolution procedures include: mediation, State complaint procedures and due process complaints and hearings.

- **Filing Due Process or State Complaint**
- **Model Forms**
- **Resolution Process**
- **Impartiality in Due Process**
- **Hearing Rights**
- **Hearing Decisions**
- **Finality of decisions, appeals and impartial reviews**
- **Timelines**
- **Civil Action & Attorney's Fees**

CHILD FIND

Schools are required to identify children who might qualify for special education services because of academic, developmental, social or behavioral difficulties.

- **Child Find**
- **Free Appropriate Public Education (FAPE)**
- **Residential Placement**
- **Assistive Technology**
- **Extended school year services**
- **Nonacademic services**
- **Physical Education**



EARLY INTERVENING SERVICES

Early intervening services are for students K-12 who are not currently identified as needing special education or related services, but who need additional academic and/or behavioral support to succeed.

- **Emphasis on grades K-3**
- **Schools may use up to 15% of their IDEA Part B allotment for coordinated, early intervening services (CEIS).**



DISCIPLINE

Discipline of children with disabilities complies with the IDEA and if anticipated discussed during the IEP process.

- BIE-DPA examines data on long-term suspension and expulsions of children with disabilities.
- School personnel consider unique circumstances on a case-by-case basis
- IEP teams determine the interim alternative education setting to support the child.
- Manifestation Determination Review and parent's right to appeal.
- Protections for children not determined not yet eligible.
- Referral to law enforcement and judicial authorities.

TRANSITION SERVICES

Transition services ensure that all students with disabilities have a FAPE that emphasizes services designed to meet their unique needs and prepare them for further education, employment and independent living.

- **Transition services are included beginning no later than the first IEP in effect when the child turns 16.**
- **Transition services are either specially designed instruction or related services.**

EXITING SPECIAL EDUCATION

Before exiting a child from special education, the school must evaluate the child, unless the child is exiting special education due to graduation or aging out.

- **Schools must provide the child with a summary of their performance prior to graduation or aging out.**

CONFIDENTIALITY

The school must protect the confidentiality of any personally identifiable information (PII) collected, used or maintained under IDEA Part B.

- Consent for disclosure of PII
- Access to education records
- Amendment of records at parent's requests
- Hearing procedures
- Safeguards
- Children's rights



PUBLIC COMMENT

- **Comments accepted verbally and written by email to consultation@bia.gov or mail to Juanita Mendoza, 1849 C Street, NW, MS 3609 Washington, D.C. 20240 by November 13, 2023.**
- **In order to accommodate all feedback, please limit your comments to three (3) minutes.**
- **Reminder: comments provided by chat today are part of the record for today's consultation.**
- **Today, we will begin with hearing from our Tribal officials and Tribal leaders.**



WRITTEN COMMENTS

In addition to joining one of the consultation sessions, please submit any written comments by November 13th, 2023

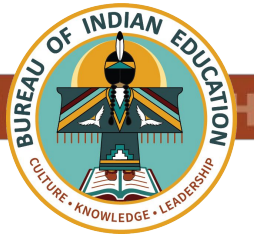
- Via email to consultation@bia.gov or
- U.S. Postal mail to Juanita Mendoza, 1849 C Street, NW, MS 3609 Washington, D.C. 20240



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CLOSING



Mvto HiyHiy LemLmts Wado
Wawaenon DaWaEh Miigwech Wopila
Quyana Pinagigi Wimblahaho
Baasee AnaaBasee Pilamiya Taikuu
Ahéhee HirirweTudahe Nya:Weh Aho
ThankYou Tansi



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