



## BIE Advisory Board for Exceptional Children BOARD MINUTES

### DAY-1, Thursday, September 21, 2023, 8:00 AM - 4:30 PM (EDT)

**Name of Committee:** Bureau of Indian Education Advisory Board for Exceptional Children

**Meeting Location:** Crystal City Marriott, 1999 Richmond Highway, Arlington, VA and online using the Zoom.Gov platform and teleconference.

**IDEA and FACA Regulations:** This meeting is being held under the provisions of the Public Law 108-446 Individuals with Disabilities Education Improvement Act of 2004, Part B, Sec. 611(a)(6); Sec. 612(a)(21)(A). As an Advisory Board to a federal agency, the Board is regulated and falls under the requirements of the Federal Advisory Committee Act (FACA; 5 U.S.C., Appendix 2). FACA aims to ensure the advice of federal advisory committees is objective and available to the public, and the committee complies with cost control and recordkeeping requirements. The BIE Advisory Board ensures all their Board meetings are open to the public, all meeting notices are published in advance, and Board meetings are advertised using the Federal Register and posted on the BIE website at [www.bie.edu](http://www.bie.edu). The BIE has provided a Designated Federal Officer (DFO) who is assigned to support the Advisory Board, and the BIE ensures each Board member avoids conflicts of interest and limits their membership terms.

#### Advisory Board Roster

1. Present Norman Shawanokasic, Chairperson
2. Present Pilar Peltier, Vice Chairperson
3. Absent Teryl Running Horse, Secretary
4. Present Dr. Perry Graves, Ph.D. Board Member, Ed.D.
5. Absent Gretchen Lehmann, Board Member
6. Absent Leslie Finnearty, Board Member
7. Present Brian Wagner, Board Member
8. Absent Gretchen Wendell, Board Member
9. Present Monica Cleveland, Board Member
10. Present Wendy Kroupa, Board Member
11. Present Rachel Harrison, Board Member
12. Present Dr. Elizabeth Younce, Board Member, Ed.D.
13. Present Dr. Janet Slowman-Chee, Board Member, Ed.D.
14. Present Leon K. Reval, Board Member



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### Gallery:

- **BIE Staff Members (In-person):** Jennifer Davis, Designated Federal Officer (DFO), Ronald J. Worst, Educational Specialist, Melanie Star, Educational Specialist, and Dr. Eugene Thompson, Supervisory Education Specialist. **TAESE Contractors:** Dr. Brenda Smith, Alex Langevin, and Laura Lema. **Presenters/Speakers:** Valerie C. Williams, Shannon O’Neill, Matthew Schneer, Juanita Mendoza, Jackie Shamblin, and Audrey Duran. **Others in Attendance (online):** Nicole Garcia, Cesar D’Agord, Scott Norton, Arlene Davis, Alison Keplin, Melissa Wassana, Elizabeth Younce, Raina Killspotted, John Copenhaver, Erin Trottier, Laura Tsosie, Delphine Dayish, Eleanor Jones, Loren Hudson, Meredith Thomas, Nancy Ka’Won, Reanna Albert, Tamatane Iatala, Zonnie Sombrero, Cheryl Johnson, Colleen Clark, Delphina Dayish, Loren Hudson, Alison Keplin, Tim Begaye, Frances Chretien, Freddy Poitra, Joann Fields, Leslie Crow, Loren Hudson, and Carmen Jodie

### 8:00 AM – 8:30 AM

#### Roll Call, Introduction of New Board Members, Old Business, and New Business

**Start Time:** 8:00 AM Eastern Daylight Time (EDT)

Welcome and Call to Order – Norman Shawanokasic, Chairperson

**Roll Call** – Chairperson Norman Shawanokasic completed roll call. The following were present constituting a quorum:

- |                        |  |
|------------------------|--|
| ○ Norman Shawanokasic  | ○ Dr. Janet Slowman-Chee   |
| ○ Pilar Peltier        | ○ Dr. Perry Graves   |
| ○ Rachel Harrison      | ○ Monica Cleveland   |
| ○ Wendy Kroupa         | ○ Excused: Teryl Running Horse, Leslie Finnearty, Gretchen Lehmann, and Gretchen Wendell |
| ○ Brian Wagner         |  |
| ○ Dr. Elizabeth Younce |  |
| ○ Leon K. Reval        |  |

**Meeting Logistics** – Jennifer Davis, DFO, provided an overview of the meeting’s purpose and objectives, Board authorizations, public commenting sessions, and meeting reminders. Questions regarding the purpose of the Board can be directed to [Jennifer Davis](#). The meeting agenda was reviewed for both days of the meeting.



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**New Business** – Chairperson Shawanokasic asked if there were any edits for the minutes from the June Board meeting. There were no edits for the June meeting minutes. Brian Wagner, Board Member, moved to approve the minutes from the previous meeting. The motion was seconded by Wendy Kroupa, Board Member.

Chairperson Shawanokasic reminded online participants to stay muted when not speaking. He noted a majority of the meeting would be spent finalizing the annual report for the Board. He suggested the introductory letter be kept succinct.

Jennifer Davis, DFO, encouraged the Board to complete the annual report before the adjournment of the meeting. She reminded the Board they would also need to develop the agenda for the January 2024 meeting. She noted there is currently one vacant position on the Board and two Board Members will have their terms expire after the January meeting. Jennifer will begin the work to post those positions. She explained the Board is missing representation from Service Providers and State Interagency Coordinating Councils. She explained the nomination form will also be expiring and the form will need approval again.

Brian Wagner, Board Member, asked for clarification on what entailed representation from the State Interagency Coordinating Council.

Jennifer Davis, DFO, replied she would provide further clarification on the criteria for that representation position.

Chairperson Shawanokasic suggested they build more time in future agendas for Board work time, instead of filling all agendas with speakers.

### **8:30 AM – 9:30 AM**

#### **Office of Special Education and Rehabilitative Services (OSERS) and the Office of Special Education Programs (OSEP). Presenters: Valerie C. Williams, Matthew Schmeer, and Shannon O’Neill**

Chairperson Norman Shawanokasic welcomed Valerie Williams, OSEP Director, and OSEP staff to the meeting and introduced the agenda item. The presenters introduced themselves – Shannon O’Neill, State Lead for the BIE from OSEP, Matthew Schmeer, Associate Division Director, and Valerie Williams, OSEP Director.



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The following questions were provided to these presenters to prepare for this report and discussion.

1. How can OSEP more directly support the BIE’s work in providing special education services that result in positive outcomes for children with disabilities across the BIE school system and how do the OSEP-funded technical assistance centers improve special education services for the BIE?
2. What is your perception of progress the BIE has been making in the areas of equity and data collection and how can OSEP support promoting equity in student access to educational resources, opportunities, and welcoming environments?
3. How do you view the progress of the BIE in addressing performance accountability expectations?
4. What collaborations currently exist between OSEP and the BIE and how do you see this developing or changing in the future?
5. Do you have opportunities to coordinate grant program priorities with the Office of Indian Education at the U.S. Department of Education?

Valerie Williams started with a land acknowledgement for the tribes who historically lived on the lands where the meeting was held. She thanked the Advisory Board for inviting their office to speak to them. She noted OSEP seeks input on how they can thoughtfully support the Advisory Board and the BIE.

Shannon O’Neill explained they want to have a collaborative discussion with the Advisory Board and they will incorporate questions for the Board in their responses to the Board’s questions.

Following are the responses given by the presenters to each of the questions listed above.

1. How can OSEP more directly support the BIE’s work in providing special education services that result in positive outcomes for children with disabilities across the BIE school system and how do the OSEP-funded technical assistance centers improve special education services for the BIE?

Shannon O’Neill explained they have a variety of mechanisms to support the BIE and they would like feedback on how to strengthen those supports. She noted OSEP leadership continues to attend the BIE Board meetings, when requested, and they have a history of support with the BIE. Shannon O’Neill explained she is currently the State Lead for the BIE and has a monthly meeting with the BIE to provide support for them. They’ve had many conversations with the BIE regarding personnel shortages. They have also provided support to the BIE as they have drafted and revised their policies and procedures. She noted their support for the DPA as they monitor and support schools. She also explained the support they provide to early childhood service programs for tribes to coordinate services. Shannon O’Neill noted OSEP also funds various technical assistance centers who provide support to the BIE. The BIE receives intensive, targeted, technical assistance from the OSEP-funded centers. Shannon O’Neill



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noted that conversations between OSEP and the BIE have deepened over the past few months. She asked for input on how OSEP can continue to provide support and how that support can be differentiated specifically for the BIE.

2. What is your perception of progress the BIE has been making in the areas of equity and data collection and how can OSEP support promoting equity in student access to educational resources, opportunities, and welcoming environments?

Shannon O’Neill noted the BIE has improved their data collection and analysis. She explained the BIE’s response for the parent involvement indicator of the Annual Performance Report (APR), which is required for all states/territories, reviews race and ethnicity, which doesn’t have variability because the data reviews BIE schools. The BIE decided to take this requirement further and examine how the parent involvement survey is administered to ensure equity and access for all parents of students with disabilities. Overall, the BIE has started using better data collection platforms and is using data analysis to increase support to schools. Shannon O’Neill celebrated the improvement of data collection since data accuracy has been a concern OSEP has worked on with the BIE for years. She celebrated the solidification of procedures for issuing determinations for schools, the retrieval of unallocated funds from schools, the provision of compensatory education, and the timely review of data points.

Shannon O’Neill reviewed the [Department of Interior’s Equity Action Plan](#) and how it supports Native American children with disabilities. This plan aligns with the effort to ensure there is equity in data collection. She asked if there has been active discussion on using funds to examine and address issues in equity.

Shannon O’Neill highlighted the Native American Working Group. Three states (Montana, Minnesota, and Wisconsin) have received a personnel development grant to improve the outcomes for Native American children with disabilities. Three more states are getting ready to join this group.

**Comment:** Brian Wagner, Board Member – Noted most states don’t include BIE-funded schools in their data reports. He noted funding that goes to states does not affect BIE-funded schools because the states don’t provide any funding for those students.

**Comment:** Matthew Schmeer – Explained the states can’t report the data for BIE-funded schools, because it would double-count the data requested by OSEP.

**Question:** Norman Shawanokasic, Chairperson – Asked for clarification on the grant that was mentioned.



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**Response:** Shannon O’Neill – Replied the grant she mentioned was a personnel development grant that can assist states in providing professional development to increase/improve outcomes for Native American children with disabilities. Matthew Schmeer further clarified states have autonomy on what they focus on with the grant stipend.

**Comment:** Brian Wagner, Board Member – Explained many schools utilize teachers from the Philippines because of personnel shortages and the ability to use Title II funding to pay for teachers to move. He noted the deficiencies in the length of time foreign teachers can stay at schools in the U.S. and the need for “grow your own” programs to certify local residents who can stay in their local area and be certified to provide special education services.

**3.** How do you view the progress of the BIE in addressing performance accountability expectations? Matthew Schmeer shared OSEP’s process of reviewing accountability via the required State Performance Plan (SPP)/Annual Performance Report (APR). OSEP uses the SPP/APR to monitor all states/territories and the BIE. The APR uses both compliance and results indicators. He noted IDEA is legislation that heavily focuses on compliance and accountability. The SPP/APR is a measurement tool providing a data snapshot. Matthew Schmeer explained the APR requires the BIE to have a State Systemic Improvement Plan (SSIP). The BIE has selected postsecondary outcomes as the focus for their SSIP and has shown improvement since 2018 for youth engaged in post-secondary activities such as employment and education. Matthew Schmeer noted the BIE has made significant improvement in their compliance with the secondary transition data reporting requirements and the BIE presented at OSEP’s national conference on how they were able to make this progress.

Matthew Schmeer explained structural difficulties exist in how the SPP/APR applies to the BIE and how their data is reported. Because of the nature of the BIE, they report on fewer indicators than states. Indicators they don’t report on include those relating to preschool services and disproportionality. Because of this difference, a low rating on an indicator has a greater effect on the BIE’s overall rating on their APR than it does on states who are responsible for responding to all indicators. The BIE was rated as Needs Intervention on their last APR. Matthew Schmeer clarified the Needs Intervention determination does not reflect the great progress the BIE has made.

**Comment:** Brian Wagner, Board Member – Stated it has never made sense why schools are punished for providing special education services to a student who ages out of school because the student doesn’t count towards graduation statistics and can’t be graduated with their four-year cohort since special education services are still required to be provided.



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**Response:** Matthew Schneer – Responded that OSEP analyzes graduation data differently than the Department of Education, but he agreed there is an inconsistency in graduation data.

**Question:** Brian Wagner, Board Member – Noted they have communities with the highest unemployment rates in the country and he asked if local unemployment rates are reflected in postsecondary outcomes data reports.

**Response:** Matthew Schneer – Stated it is important to acknowledge the context in which data is gathered. He explained the BIE gets to determine their targets for postsecondary outcomes. They should do this with input from stakeholders and they can take into consideration the issues Board Member Wagner brought up. However, because the BIE is setting data targets for schools throughout the nation, it is difficult to set targets based on local conditions.

**Comment:** Dr. Elizabeth Younce, Board Member – Noted that locally, their postsecondary outcome rates for students with disabilities are not much different than their general education students.

**Response:** Matthew Schneer – Noted they encourage the BIE to set realistic, but ambitious targets for their data. He noted the graduation rate for BIE general education students is 66% and for special education students it is 61%, which isn't significantly different. However, he added neither percentages are a great graduation rate.

Shannon O'Neill showed the enrollment of students with disabilities in BIE schools decreases at ages 10 and 14, which are the transition points between elementary school and middle school and between middle school and high school. She queried if the enrollment data looks the same for general education students.

4. What collaborations currently exist between OSEP and the BIE and how do you see this developing or changing in the future?

Shannon O'Neill highlighted the monthly meetings between her, their technical assistance providers, and the BIE. She noted the OSEP Leadership Conference included specific sessions tailored to the unique aspects of the BIE. Shannon O'Neill stated she was able to attend a BIE monitoring visit at Little Wound School in Kyle, South Dakota. She noted OSEP staff also participate in quarterly meetings between the U.S. Department of Education and the BIE.

5. Do you have opportunities to coordinate grant program priorities with the Office of Indian Education at the U.S. Department of Education?

Matthew Schneer briefly noted OSEP's participation in National Advisory Council on Indian Education (NACIE) presentations and workforce development with the Division of Indian and Native American Populations and the Office of Disability Employment Policy (ODEP).



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Jennifer Davis, DFO, shared the link for the [Department of Interior’s APR and strategic goals](#).

Director Valerie Williams stated the priorities of OSEP are to raise the bar; address personnel shortages; expect, engage, and empower the transition of students to postsecondary opportunities; and increase general supervision supports. They are [raising the bar](#) by encouraging the achievement of academic excellence, boldly improving learning conditions, and creating pathways for global engagement. Director Williams spoke about shortages of classroom teachers, the issues with employment pipelines, and the lack of diversity in certified personnel. She said all states and programs are experiencing shortages. She noted the CEEDAR center has information on [Registered Apprenticeship Programs](#), which is a form of “grow your own” programs. She mentioned [grant programs](#) providing funding for Native American students. Director Williams spoke of the need to start working earlier on developing skills students need to increase their postsecondary outcomes.

Matthew Schmeer highlighted the [new guidance](#) on general supervision OSEP issued over the summer. He explained this new document’s focus is on the State Education Agency (SEA)/BIE responsibilities to monitor Local Education Agencies (LEAs).

OSEP staff thanked the Advisory Board for allowing them to speak and engaging in conversation with them.

**10:05 AM – 10:15 AM Break**

**10:15 AM – 11:00 AM**

### **Board will work on the 2023 Annual Report**

Chairperson Norman Shawanokasic opened the meeting following the break. He explained the Board had developed priorities for the annual report at the previous BIE Advisory Board meeting. He asked for suggestions from the Board on how to proceed with the annual report.

The 2022 Annual Report was shared and the Board reviewed the previously developed priorities.

Brian Wagner, Board Member, suggested Chairperson Shawanokasic take the lead on writing the introductory letter for the report. Chairperson Shawanokasic stated if there is not time to write the letter during this meeting, he would draft it.



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Brian Wagner, Board Member, noted his committee was not able to meet before today, and he would like to meet with his committee today. It was decided the full committee would work together on the annual report priorities the sub-committees didn't already finalize. Brian Wagner, Board Member, noted the first priority around the BIE system workforce plan has been an ongoing issue for multiple years and suggested editing the priority to specifically address school-level, special education, and related service personnel recruitment and retention issues.

Leon K. Reval, Board Member, spoke on the need to prioritize supporting the recruitment and certification of local individuals to work in schools.

Brian Wagner, Board Member, advocated for developing a template on policies and procedures for fiscal compliance.

Norman Shawanokasic, Chairperson, spoke about the delays in the hiring process and the need for simplification.

Wendy Kroupa, Board Member, added the timeline for approvals for selected applicants is onerous.

Leon K. Reval, Board Member, asked if a survey has been completed regarding turnover rates at BIE schools.

Brian Wagner, Board Member, stated Tribally Controlled Schools (TCS) often have difficulties hiring because of teacher pay schedules, while Bureau Operated Schools (BOS) generally having higher pay schedules, but their hiring system is prohibitive.

Dr. Eugene Thompson explained a BIE Human Resources representative would present later today and can provide statistics about employment rates in BOS.

Further suggestions were made to edit the justification for the first priority.

#### **11:00 AM – 11:15 AM**

#### **Public Commenting Session #1 (15 minutes)**

Chairperson Shawanokasic opened the first public commenting session. Jennifer Davis, DFO, explained the process for providing public comments.



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**Comment:** Brian Wagner, Board Member – Thanked Ron Worst, BIE Educational Specialist, for assistance with the Native American Student Information System (NASIS) and formally made a request for additional technical assistance with NASIS. He wanted to officially request screen shots or a recording to walk staff through NASIS.

**Comment:** Wendy Kroupa, Board Member – Stated teachers were blindsided by the new procedures in NASIS.

**Comment:** Cesar D’Agord, Technical Assistance Facilitator from the National Center for Systemic Improvement (NCSI) – Noted there were changes in the IEP requirements in NASIS.

**Comment:** Dr. Eugene Thompson, Supervisory Educational Specialist – Explained NASIS is the information system used by the BIE to gather Individualized Education Program (IEP) and special education information. Infinite Campus is the vendor for NASIS.

**Comment:** Ron Worst – Noted there was a change to the user interface in NASIS without notification to the BIE. They are doing their best to let Infinite Campus know about inconsistencies in NASIS.

**Comment:** Dr. Eugene Thompson, Supervisory Educational Specialist – Observed they would work on putting together instructional videos for NASIS users.

**Comment:** Pilar Peltier, Board Member (chat) – There are a few parents/guardians that their first language is not English, their first language is their own Native language including Spanish and all IEP forms are in English.

**Comment:** Rachel Harrison, Board Member – Thanked the BIE for the instructional videos that have been issued.

**Comment:** Cheryl Johnson (chat) – With the approaching Child Count, I am very concerned our schools could be negatively impacted by the new changes in NASIS.

**Comment:** Wendy Kroupa, Board Member – Explained her school has opened a ticket for assistance in NASIS because of the inability to change mandatory dates.

**Comment:** Dr. Elizabeth Younce, Board Member (chat) – There has been a great deal of concern with the Best Interest Determination meetings that occur for our special education students who are in foster care. This came out of ESSA and there is concern with the Department of Social Services/Family Safety having the final say over who serves these children. She also spoke about transportation costs being charged to TCS for students in foster care who are parentally placed in a residential facility.

**Comment:** Margo DeLaune – Explained that under IDEA, the originating school would pay transportation costs, but a solicitor would need to determine if ISEP regulations would exempt the TCS from paying for transportation costs.

Chairperson Shawanokasic closed the public commenting session.

**11:30 AM**

**Lunch (1.5 hours)**



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**1:00 PM – 2:00 PM**

**BIE Office of the Director**

**Presenter: Juanita Mendoza**

Chairperson Norman Shawanokasic welcomed everyone back from lunch and introduced Juanita Mendoza to present as the representative for the BIE Office of the Director.

The following questions and prompts were provided to the presenter to prepare for this report and discussion.

1. Are there any updates on rural school internet access? Include any challenges and potential resolves to the issues from BIE.
2. Provide updates regarding the workforce plan and include a current BIE Organizational Chart.
3. Why has the ability of BIE operated schools to be directly involved in the hiring of staff and advertising of positions transferred from the local level to the BIE Human Resources Office?
4. What is the progress on the BIE and U.S. Department of Education collaboration?
5. Provide an idea and/or suggestions you may have when looking at the long-term picture of retaining qualified educators (Teachers and Administrators).
6. Describe the concerns, related to BIE, that have been identified over the past year. Provide an update from your perspective as the Director of the Bureau of Indian Education.
7. What work has been done since the last tribal consultation in 2021 on updating the Indian School Equalization Program (ISEP) regulations and how will that be accomplished?

The following are the responses given by Juanita Mendoza to each of the questions and prompts.

1. Are there any updates on rural school internet access? Include any challenges and potential resolves to the issues from BIE.

Juanita Mendoza explained the funding and number of routers that have been distributed to assist with rural school internet access.

2. Provide updates regarding the workforce plan and include a current BIE Organizational Chart.

Juanita Mendoza stated the workforce plan was an important process, but they are developing a contract to do a formal analysis of the BIE workforce. They feel this new analysis will be more helpful and will include all aspects of the BIE. She explained the current BIE organizational chart will need to be supplied by the human resources department.



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- 3.** Why has the ability of BIE-operated schools to be directly involved in the hiring of staff and advertising of positions transferred from the local level to the BIE Human Resources Office?

Juanita Mendoza explained she knows the human resources department will be speaking later in the afternoon and they are working on solving the issues with delays in hiring.

- 4.** What is the progress on the BIE and U.S. Department of Education collaboration?

Juanita Mendoza stated the BIE relationship with the U.S. Department of Education has improved over the past few years. They provide technical support around the monitoring the U.S. Department of Education provides for the BIE. They have recently been working with federal technical assistance centers to review how the BIE monitors education programs.

- 5.** Provide any ideas and/or suggestions you may have when looking at the long-term picture of retaining qualified educators (Teachers and Administrators).

Juanita Mendoza explained they currently have a contractor reviewing instructional skills at schools and offering feedback. They recently changed their policies to allow transferring teachers to receive full credit for years of service in their system. They provide retention bonuses and professional development opportunities. They have prioritized special education positions for retention bonuses and they continue to pay national certification fees for teachers.

- 6.** Describe the concerns, related to BIE, that have been identified over the past year. Provide an update from your perspective as the Director of the Bureau of Indian Education.

Juanita Mendoza stated they have worked on pay parity at TCS over the past year. They don't have control over human resource policies at TCS, but they are trying to provide pay parity resources. They have been focusing on the physical facility replacement of schools. They continue to ask for more funding for facility replacement. Their behavioral health contract is live and they are working on ensuring the behavioral health of students and staff are prioritized. They continue to seek funding for school safety initiatives.

- 7.** What work has been done since the last tribal consultation in 2021 on updating the Indian School Equalization Program (ISEP) regulations and how will that be accomplished?

Juanita Mendoza explained they are looking for more participation from their stakeholders. They will be holding listening sessions and consultations over the coming months to continue to gather input. They have a five-year strategic direction that ended last year and they are moving into their new strategic direction cycle. She reviewed the dates for the listening sessions.



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**Question:** Brian Wagner, Board Member – Asked for clarification between a listening session and a consultation.

- **Response:** Juanita Mendoza – Explained a listening session includes a draft issue they are receiving feedback on. A consultation is a legally required meeting with a tribe.

**Question:** Norman Shawanokasic, Chairperson – Asked for clarification on using a contractor for the BIE workforce plan and organizational chart.

- **Response:** Juanita Mendoza – Replied the first workforce plan was completed in house and was missing needed information. She explained seeking a contractor will allow for a more comprehensive workforce plan to be developed.

**Question:** Norman Shawanokasic, Chairperson – Asked why schools no longer have the ability to post open positions.

- **Response:** Juanita Mendoza – Stated she could not explain why the process changed, but she felt it had something to do with the posting of positions to the BIE website.

**Comment:** Brian Wagner, Board Member – Added the delay in posting positions is not exclusive to special education, but to all positions posted by BOS.

- **Response:** Juanita Mendoza – Noted they have heard concerns about the hiring process from other sources as well and she will emphasize to Director Tony Dearman the concerns about the delayed hiring process.

**Question:** Norman Shawanokasic, Chairperson – Asked for clarification on the organizational chart not being finalized.

- **Response:** Juanita Mendoza – Replied they are working on redoing the organizational chart. The current organizational chart doesn't have as much detail as they'd like and it hasn't been updated in approximately six years. Since then, there have been minor changes to position titles.

**Question:** Norman Shawanokasic, Chairperson – Requested clarification on a contractor being mentioned in the response to question #3.

- **Response:** Juanita Mendoza – Clarified there is a human resource specialist position that focuses on contract education positions.

**Question:** Norman Shawanokasic, Chairperson – Asked who received the behavioral health contract and how long they have funding for the contract.

- **Response:** Juanita Mendoza – Explained they have had a contract with Tribal Tech for 2-3 years. They also want to provide counseling services in a timely manner. They are working to figure out privacy issues with providing counseling, so they can offer additional services. She will need to clarify the funding source for the behavioral health contract.



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**Comment:** Norman Shawanokasic, Chairperson – Commended Tribal Tech for the work they’ve provided.

**Comment:** Brian Wagner, Board Member – Noted Indian Health Services (IHS) differ across the tribes, with some IHS offices not providing behavioral health services.

**Question:** Leon K. Reval, Board Member – Asked how special education services can be made more consistent across BIE schools regardless of staffing shortages.

- **Response:** Juanita Mendoza – Noted they have had findings where schools haven’t been able to provide special education services for various reasons. Their accountability office works with the school on corrective action to rectify these situations.

**Comment:** Leon K. Reval, Board Member – Stated he has never seen parents challenge schools about the lack of services.

**Comment:** Pilar Peltier, Vice Chairperson (chat) – I agree it can be a challenge for parents/guardians during IEP meetings.

**Comment:** Dr. Eugene Thompson, Supervisory Educational Specialist – Explained the BIE Director issued a letter to school leaders the day before this meeting. This letter addresses missed services and indicates BOS must follow the letter’s guidance. The letter discusses many reasons students may miss services and how schools need to handle various situations. He noted the letter would be shared with the Board. He added a comment session is open for the new BIE policies and procedures.

**Comment:** Dr. Elizabeth Younce, Board Member – Observed she received the letter that morning.

**Question:** Brian Wagner, Board Member – Asked who developed the letter issued by the BIE Director and he noted some concerns with the information in the letter and its requirements for least restrictive environment.

- **Response:** Dr. Eugene Thompson, Supervisory Educational Specialist – Explained the letter would have been reviewed by the BIE solicitors. He noted the letter was issued as guidance and schools should also follow their own legal counsel.

**Comment:** Leon K. Reval, Board Member – Added there should be follow up with the IEP team on least restrictive environment.

**Comment:** Dr. Janet Slowman-Chee, Board Member – Reminded participants special education students are guaranteed access to the general education classroom and the general education curriculum and she has seen cases where special education students have been excluded.

Chairperson Norman Shawanokasic thanked Juanita Mendoza for joining the Board meeting. He noted Director Tony Dearman will be invited to attend their next meeting as well.



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**2:00 PM – 2:15 PM**

#### **Public Commenting Session #2 (15 minutes)**

Chairperson Norman Shawanokasic opened the public comment session.

Jennifer Davis, DFO, repeated the public comment guidelines.

**Comment:** Brian Wagner, Board Member – Requested comments he made earlier, that were specific to his school, be included as a public comment. These comments included:

- A request for the BIE to establish a mechanism allowing local “grow your own” efforts equaling what J1 VISA recipients receive and allowing a BIE policy and procedure to ensure TCS are in fiscal compliance.
- A request for the BIE to develop a video, PowerPoint, handbook, and/or all three on the NASIS special education process.

Vice Chairperson Pilar Peltier closed the public commenting session and excused the Board for their break.

**2:15 PM – 2:30 PM      Break**

**2:30 PM – 2:45 PM**

#### **Board Reflection for the BIE Office of the Director Update**

Vice Chairperson Pilar Peltier welcomed the Board back from their break and opened the reflection period.

**Comment:** Brian Wagner, Board Member – Stated the OSEP presentation was very beneficial.

**Comment:** Leon K. Reval, Board Member – Noted he has been impressed with all the comments and he appreciates all the input as he begins as a new Board Member.

**Comment:** Pilar Peltier, Vice Chairperson – Stated her appreciation for the comments of all Board Members.

**Question:** Leon K. Reval, Board Member – Queried if IEPs are developed for gifted and talented children.

**Response:** Dr. Elizabeth Younce, Board Member – Noted gifted and talented children have a plan similar to an IEP with goals that are reviewed annually.

**Response:** Brian Wagner, Board Member – Explained gifted and talented students fall under the responsibility of the BIE, which is good since some states don’t provide those services.



## **BIE Advisory Board for Exceptional Children DAY-1, Thursday, September 21, 2023, 8:00 AM - 4:30 PM (EDT)**

**2:45 PM – 3:30 PM**

**BIE Human Resources Office**

**Presenter: Audrey Duran**

Jackie Shamblin and Audrey Duran were welcomed to the Board meeting.

The following questions/prompts were provided to the presenters to prepare for this report and discussion.

1. During our Board meetings, we consistently hear from Bureau Operated School (BOS) administrators that the delays in the hiring process cost schools qualified hires. Can greater responsibility be provided to local school hiring authorities?
2. Are there efforts to reduce unnecessary personal information on the application?
3. How does the BIE provide services when a BOS is unable to fill a vacancy? Is there a plan to continue to provide services using mandatory detailing of professionals from other locations or are other options being explored?
4. What incentives might be available to recruit and retain qualified personnel in the BIE system?

The following are the responses given by Jackie Shamblin and Audrey Duran to each of the questions/prompts.

1. During our Board meetings, we consistently hear from Bureau Operated School (BOS) administrators that the delays in the hiring process cost schools qualified hires. Can greater responsibility be provided to local school hiring authorities?

Audrey Duran explained more hiring authority cannot be given to BOS because of the requirements of the USA Jobs portal, including compliance and auditing procedures. She also noted school personnel don't have time to post positions. To allow BOS personnel to post positions, the HR department would have to provide substantial training to school staff and HR staff would still need to provide oversight for all job postings. They have experienced a high turnover rate in the HR office. Each new employee requires substantial training on the requirements for contract education. They just filled their last open position in their office and they hope to catch up on the back log of posting positions. They are constantly undergoing internal audits to ensure all job postings go through similar processes. The delay in completing background checks for job offers to be official is often due to delays in applicants completing the proper paperwork. If applicants don't complete the paperwork within seven days, the applicant is locked out of the system and must wait for IT to reopen the paperwork for them. This is a federal requirement. If a criminal record is found, additional information is gathered and a team must determine suitability for the position.



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Jackie Shamblin noted applicants often don't complete required information on their applications or background checks, so time is wasted requesting the information be submitted.

**Question:** Brian Wagner, Board Member – Asked what can be done to streamline the process.

- **Response:** Audrey Duran – Replied job recruiters who go to job fairs try to walk applicants through the process. They can also host online events to assist applicants on how to properly apply for jobs.
- **Response:** Jackie Shamblin – Explained they are starting a pathways program as a “grow your own” program where students in teacher preparation programs can become BIE employees before graduation.

**Question:** Brian Wagner, Board Member – Asked if TCS know they have access to the pathways program and he asked if a letter could go out to TCS so they are aware of this benefit.

- **Response:** Jackie Shamblin – Noted they could send out a letter.

**Question:** Pilar Peltier, Vice Chairperson – Asked which colleges recruiters go to.

- **Response:** Jackie Shamblin – Stated they go out to all tribally controlled colleges and any colleges that have Native American programs, which totals about 400 colleges.

2. Are there efforts to reduce unnecessary personal information on the application?

Audrey Duran stated there are efforts, but they are limited by federal requirements. Their talent recruiters are working on a webinar to assist applicants with their resumes.

3. How does the BIE provide services when a BOS is unable to fill a vacancy? Is there a plan to continue to provide services using mandatory detailing of professionals from other locations or are other options being explored?

Audrey Duran explained two schools came to them last year with issues about not having required positions filled. They were able to assist these schools by pulling staff from other BIE schools. They have not had this issue this year. It can be difficult to find qualified staff because of competition from public schools.

4. What incentives might be available to recruit and retain qualified personnel in the BIE system?

Audrey Duran explained they have worked on setting up some positions as continuously open announcements when the posting has a substantial amount of positions needing to be filled. They have received funding to develop recruitment incentives for “hard-to-fill” positions.



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**Question:** Brian Wagner, Board Member – Asked what funding is being used for recruitment incentives.

- **Response:** Jackie Shamblin – Explained it is from Title IV funding.

Audrey Duran noted they are looking at positions in hard-to-fill locations and in special education for the recruitment incentive funding. They can now look at experience as a qualification for setting appropriate payment levels. They also have greater capacity to view salaries in other departments and match them for similar positions within the BIE.

Jackie Shamblin stated they used volunteers this year to cover positions that weren't filled and there has been no mandatory reassignment to fill positions.

Audrey Duran noted they have an internal audit process to ensure position postings go out in compliance. Once positions are posted, they are sent to the school so the school staff can post the positions locally. They've had recent delays posting positions, but they are now fully staffed and hope delays don't continue. They also try to offer training on the hiring process to principals so principals know what information human resources need to post a position.

**Question:** Brian Wagner, Board Member – Stated there were former concerns about how superintendent positions were posted in the system. He asked if it has been changed.

- **Response:** Audrey Duran – Explained it has not been changed because of the requirements in the system for job titles.
- **Response:** Jackie Shamblin – Noted the number of schools that are large enough to have a superintendent position are limited.

**Question:** Brian Wagner, Board Member – Asked if anything is being done to assist Off Reservation Boarding Schools (ORBS) getting fully staffed for dormitory staff.

- **Response:** Jackie Shamblin – Explained they are working on revising the job posting for dormitory staff to assist with filling those positions.

Vice Chairperson Pilar Peltier thanked Audrey Duran and Jackie Shamblin for presenting to the Board. She asked if the Board had any reflections on the presentation.

**Comment:** Jennifer Davis, DFO – Inquired if the Board was interested in hearing from human resources again.



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**Comment:** Brian Wagner, Board Member – Stated it would be beneficial to have statistics on open and filled positions at BOS for special education and general education positions.

**Comment:** Pilar Peltier, Vice Chairperson – Explained at Chemawa Indian School they have capped how many students they have enrolled because of the lack of residential staff. If the Chemawa Indian School was fully staffed, they could enroll an additional 100 students.

**Comment:** Dr. Janet Slowman-Chee, Board Member – Noted she provides professional development to residential staff on special education. She observed the job requirements listed for residential staff do not mention working with students with disabilities and this is something that should be rectified. She stated residential staff need to have knowledge on how to work with students with disabilities.

### **3:30 PM – 4:30 PM**

#### **Work on unfinished business, next meeting business logistics or the 2023 Annual Report**

Vice Chairperson Pilar Peltier stated the Board should continue working on the annual report.

Brian Wagner, Board Member, noted in regard to the first priority, the previous presentation from human resources reinforced that nothing was going to change.

Rachel Harrison, Board Member, stated the presentation confirmed to her that changes are not occurring.

Brian Wagner, Board Member, strongly advocated for human resources to be assessed on how they can work more efficiently as part of the recommendations for priority one.

The Board came to consensus regarding the justification drafted for the first priority.

Leon K. Reval, Board Member, suggested defining barriers to the hiring process.

Pilar Peltier, Vice Chairperson, noted local schools don't get information about job fairs and these local schools could send job fair information out to the local community. A recommendation was added to priority one regarding informing BIE-funded schools of local job fairs and providing job relocation assistance.

Brian Wagner, Board Member, suggested adding a recommendation about creating resources and guidance around "grow your own" programs.



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Dr. Janet Slowman-Chee, Board Member, made a wording suggestion on a justification about schools that qualify for “grow your own” programs.

Leon K. Reval, Board Member, requested the recommendations include verbiage specific to special education.

Brian Wagner, Board Member, explained redundancies in the recommendations written for priority one, and he suggested deleting two of the recommendations.

**4:30 PM Recess**



## BIE Advisory Board for Exceptional Children BOARD MINUTES

### DAY-2, Friday, September 22, 2023, 8:00 AM - 4:30 PM (EDT)

**Name of Committee:** Bureau of Indian Education Advisory Board for Exceptional Children

**Meeting Location:** Crystal City Marriott, 1999 Richmond Highway, Arlington, VA and online using the Zoom.Gov platform and teleconference.

#### Advisory Board Roster

1. Present Norman Shawanokasic, Chairperson
2. Present Pilar Peltier, Vice Chairperson
3. Present Teryl Running Horse, Secretary
4. Present Dr. Perry Graves, Ph.D. Board Member, Ed.D.
5. Absent Gretchen Lehmann, Board Member
6. Present Leslie Finnearty, Board Member
7. Present Brian Wagner, Board Member
8. Absent Gretchen Wendell, Board Member
9. Present Monica Cleveland, Board Member
10. Present Wendy Kroupa, Board Member
11. Present Rachel Harrison, Board Member
12. Present Dr. Elizabeth Younce, Board Member, Ed.D.
13. Present Dr. Janet Slowman-Chee, Board Member, Ed.D.
14. Present Leon K. Reval, Board Member

#### Gallery:

- **BIE Staff Members (In-person):** Jennifer Davis, Designated Federal Officer (DFO), Ronald J. Worst, Educational Specialist, and Dr. Eugene Thompson, Supervisory Education Specialist. **TAESE Contractors:** Dr. Brenda Smith, Alex Langevin, and Laura Lema. **Presenters/Speakers (online):** Margo Delaune, Dr. Eugene Thompson, Dr. Cheri Poitra, Joann Fields, Cheryl Johnson, Gloria Yepa, and Katharine Ford. **Others in Attendance (online):** Nicole Garcia, Scott Norton, John Copenhaver, Tamatane Iatala, Alison Keplin, Delphina Dayish, Laura Tsosie, Arlene Davis, Eleanor Jones, Julie Thormodsgard, Marcy Starr, Nancy Ka'Won, Amanda Bryant, Brooke Ratliff, Colleen Clark, Babette Howe, Frances Chretien, and Darlene Pino

**8:00 AM – 8:15 AM**      **Start Time:** 8:00 AM Eastern Daylight Time (EDT)

#### Roll Call

Welcome and Call to Order – Norman Shawanokasic, Chairperson



## **BIE Advisory Board for Exceptional Children** **DAY-2, Friday, September 22, 2023, 8:00 AM - 4:30 PM (EDT)**

**Roll Call** – Chairperson Norman Shawanokasic completed roll call. The following were present constituting a quorum:

- Norman Shawanokasic
- Pilar Peltier
- Monica Cleveland
- Leslie Finnearty
- Dr. Perry Graves
- Rachel Harrison
- Wendy Kroupa
- Brian Wagner
- Gretchen Wendell
- Dr. Elizabeth Younce
- Dr. Janet Slowman-Chee
- Leon K. Reval
- Teryl Running Horse
- Excused: Gretchen Lehmann and Gretchen Wendell

**Meeting Logistics** – Jennifer Davis, DFO, provided an overview of the meeting’s purpose and objectives, Board authorizations, public commenting sessions, and meeting reminders. Questions regarding the purpose of the Board can be directed to [Jennifer Davis](#). The meeting agenda was reviewed for both days of the meeting.

### **8:15 AM – 9:15 AM | Division of Performance and Accountability (DPA)/BIE Special Education Program. Presenters: Dr. Eugene Thompson, Supervisory Educational Specialist**

Chairperson Norman Shawanokasic introduced the session and welcomed Dr. Eugene Thompson.

The following questions were provided to the presenter to prepare for this report and discussion.

1. Provide an update on the DPA from IDEA and the ESSA.
2. Provide an update on the Government Accountability Office (GAO) recommendations report.
3. What is the status of local school monitoring by DPA?
4. Provide an update on the determinations that were recently issued to the BIE funded schools.
5. Provide an update on the Interactive Data Workshop (IDW) and potential future geographical locations?
6. What is the completion status of Part B IDEA Applications? How does BIE meet the needs of students with disabilities who attend a school that has not submitted an approved Part B plan?
7. What are the trend lines on the special education child count over the past three years? What are the implications on funding?

Dr. Thompson introduced himself and explained his role as a State Director of Special Education for the BIE. He shared the mission of the BIE and asked Board members to familiarize themselves with it.



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The following are the responses given by the presenter to each of the questions.

**1. Provide an update on the DPA from IDEA and the ESSA.**

Dr. Thompson explained the updated [special education policies and procedures](#) are open for tribal consultation comments until November 13<sup>th</sup>. Tribal consultation dates are October 13<sup>th</sup>, 18<sup>th</sup>, and 25<sup>th</sup>. Both virtual and in-person opportunities will be available for consultation. Dr. Thompson reviewed the ten topic areas of the policies and procedures. He encouraged all Board members to register for the virtual tribal consultation on October 13<sup>th</sup>. The policies and procedures can be downloaded and the Board was encouraged to review them.

Dr. Thompson noted the IEP has been changed in NASIS. Notice of the change and frequently asked questions were sent to schools in March 2023. The changes hopefully make it easier to navigate the IEP forms. The NASIS update occurred in August.

Dr. Thompson reported there are six vacant Educational Program Specialist positions at the DPA. These positions will be posted very soon. He recommended all of the positions be remote. They are hopeful they can complete the hiring process by the end of the year with new staff coming on in the spring of 2024.

Dr. Thompson stated they are working on verification of correction of long-standing noncompliance. Generally, noncompliance is corrected within one year, but there are several cases where schools have been in noncompliance for the same issue for multiple years. The BIE has reported on this issue quarterly to OSEP. They have a goal to verify all the noncompliance corrections. They work hard providing technical assistance to assist schools in correcting noncompliance.

Dr. Thompson acknowledged the new guidance on general supervision issued by OSEP. This new guidance supersedes previous guidance and it guides the BIE's work of monitoring schools and meeting the requirements of IDEA. The new guidance provides clarification around reasonably designed general supervision systems, timeline considerations for identification of noncompliance, and correction of child-specific noncompliance.

Dr. Thompson reported they are working on data collection activities related to the SPP/APR.

Dr. Thompson explained they have joint priorities with the supplemental education program, which include student-centered learning environments, differentiated accountability and support, and using data to drive student success. He noted cooperative agreements and partnerships with



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technical assistance centers to support this work.

**2.** Provide an update on the Government Accountability Office (GAO) [recommendations report](#).

Dr. Thompson said seven recommendations are listed in the GAO report. Two of the recommendations have been closed and five are open. He encouraged the Board to review the report and learn which recommendations were closed and open. They are working on closing out the recommendation regarding forming policies and procedures. The recommendation for rescinding the policy on overseeing TCS that don't meet requirements during a review has been closed. Dr. Thompson reviewed each of the open recommendations.

**3.** What is the status of local school monitoring by DPA?

Dr. Thompson reported eight onsite school monitoring visits happened during the 2022-2023 school year. During these visits, they found between one and eight findings. The findings are related to IDEA Part B Allowable Salaries, IDEA Part B Funds, IEPs, Child Find, and School Handbook-Discipline. No findings were identified for least restrictive environment.

**Question:** Brian Wagner, Board Member – Requested an expanded explanation on allowable funding under IDEA regarding general school supplies.

- **Response:** Dr. Thompson, Supervisory Educational Specialist – Clarified they have an allowable costs document, but additional guidance is needed on the issue.

**4.** Provide an update on the determinations that were recently issued to the BIE funded schools.

Dr. Thompson noted determinations were issued to all BIE funded schools in May 2023. Determinations are made based on a set of criteria. They are rethinking and updating the determination criteria to be more representative of progress and challenges. Dr. Thompson will present the proposed changes at the next Board meeting for input.

**5.** Provide an update on the Interactive Data Workshop (IDW) and potential future geographical locations?

Dr. Thompson reported they had a total of 405 attendees between two workshops. In 2024, the BIE National Conference will be held in June 2024, and an IDW will be included in the conference.

**Question:** Brian Wagner, Board Member – Explained there is frustration that the two IDWs were held in the southwest region making attendance prohibitive to staff living in other areas of the country. He requested the workshops be spread geographically throughout the country and asked if



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future workshops would be located in different areas.

- **Response:** Dr. Thompson – Replied he would share Brian Wagner’s comments with representatives planning the BIE National Conference to give input on its location.

**Comment:** Norman Shawanokasic, Chairperson – Stated the workshops were very informative and useful and they need to be located where others could access them.

6. What is the completion status of Part B IDEA Applications? How does BIE meet the needs of students with disabilities who attend a school that has not submitted an approved Part B plan? Dr. Thompson reviewed the number of school applications received and funded. He noted 17 schools are not requesting funding and have signed assurances to provide a Free and Appropriate Public Education (FAPE).

**Comment:** Brian Wagner, Board Member – Thanked Dr. Thompson for the timeliness of funding for schools.

7. What are the trend lines on the special education child count over the past three years? What are the implications on funding?

Dr. Thompson shared Child Count data from the past three years. In October of 2022, there were 5,651 students with IEPs posted to NASIS.

**Comment:** Brian Wagner, Board Member – Noted the decrease in Child Count data during COVID and the gradual increase. He added schools are seeing referrals for evaluations increase.

Dr. Thompson reviewed Child Count data by disability type. It was noted the number of students identified with developmentally delayed and emotional disturbance categories had decreased. The number of students with Autism increased.

**Comment:** Norman Shawanokasic, Chairperson – Observed half the students with disabilities were categorized with specific learning disabilities (SLD).

**Comment:** Dr. Janet Slowman-Chee, Board Member – Noted knowing the high number of students with SLD can assist the BIE in preparing schools for educating those students.

Dr. Thompson stated they are preparing schools for next month’s Child Count. They provide a tiered system of support to assist schools with their caseloads. For funding, Child Count data is utilized to determine allocations. Allocations are based on the number of students, disability categories, and



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school size. Dr. Thompson reported the next Child Count will occur on October 27<sup>th</sup> with data verification occurring between November and May before reporting the final Child Count to the U.S. Department of Education.

**Question:** Norman Shawanokasic, Chairperson – Asked if there was anything the Board could do to prepare for their January meeting.

- **Response:** Dr. Thompson – Replied the Board could familiarize themselves with the data that will be reviewed in January. He will gather stakeholder input from the Board on the drafted APR at the next meeting.

**Question:** Dr. Janet Slowman-Chee, Board Member – Asked what program schools used if they weren't entering data in NASIS. She stated all schools should be encouraged to use NASIS.

- **Response:** Dr. Thompson – Responded a few schools use the data system used by the state they are located in and BIE staff are meeting to determine how to make sure they have assessment data from all schools.

**Question:** Brian Wagner, Board Member – Stated he reviewed the new policies and procedures and definitions for all disability categories are not defined. He requested feedback gathered during tribal consultation be considered. He asked for clarification on whether schools would need their own policies and procedures.

- **Response:** Dr. Thompson – Reiterated the timeline for public comments and the process for considering them. He noted the policies and procedures are not finalized.

**Question:** Dr. Elizabeth Younce, Board Member – Asked if schools received their data from the Child Count.

- **Response:** Dr. Thompson – Stated sharing Child Count data with schools would be part of the new verification process.

**9:30 AM – 9:45 AM**

### **Public Commenting Session #3 (15 minutes)**

Chairperson Norman Shawanokasic opened the public comment session and reviewed the guidelines for public commenting.

**Question:** Dr. Elizabeth Younce, Board Member – Asked if there were plans to include signatures for those who agree to the IEP meeting time on the prior written notice form in NASIS.

- **Response:** Ron Worst, DPA – Explained signatures are not required on the prior written notice.



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**Comment:** Brian Wagner, Board Member – Stated the prior written notice is a notification document and doesn't require agreement.

**Comment:** Ron Worst, DPA – Further clarified the purpose of the prior written notice document.

Chairperson Norman Shawanokasic closed the public comment session.

**9:45 AM – 10:00 AM Break**

**10:00 AM – 12:15 AM | Associate Deputy Director (ADD) Regions for Bureau Operated Schools (BOS), Navajo Schools (BOS & TCS), and Tribally Controlled Schools (TCS)/Special Education Programs**

**Presenters:** Dr. Cheri Poitra, Joann Fields, Cheryl Johnson, Gloria Yepa, and Katharine Ford  
Chairperson Norman Shawanokasic introduced the session.

The following questions were provided to the presenters to prepare for this report and discussion.

1. What services do you provide for BIE funded schools?
2. Please provide an update on the 2022-2023 school year. Discuss the successes, challenges, ongoing goals, and other items that would be pertinent to the Advisory Board.
3. What type of activities do you intend to provide for your region in the upcoming 2023-2024 school year?
4. What were your ISEP review findings regarding special education?

Following are the responses given by Joann Fields for TCS to each of the questions.

1. What services do you provide for BIE funded schools?

Joann Fields explained services provided to BIE schools include technical assistance and trainings. Technical assistance includes individualized guidance and regular check-ins. Trainings are provided for administrators, teaching staff, and school boards.

2. Please provide an update on the 2022-2023 school year. Discuss the successes, challenges, ongoing goals, and other items that would be pertinent to the Advisory Board.

Joann Fields reported successes for the 2022-2023 school year include the closing out of outstanding state complaints, virtual file reviews, virtual trainings, on-demand virtual technical assistance and the TCS Summit presentations. Challenges for the school year included vacant positions for teachers, related service providers, and administration, staff for the ADD-TCS, providing special education file reviews and technical assistance, and the high number of onsite school visits. Ongoing goals include



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providing suggestions/options to schools regarding hiring appropriate staff, completing special education file reviews, collaborating between the ADD regions, and providing on-demand technical assistance.

**3. What type of activities do you intend to provide for your region in the upcoming 2023-2024 school year?**

Joann Fields explained planned activities include continuing the scheduled monthly check-ins with schools, reviewing special education files, and having open office hours for technical assistance and collaboration.

**4. What were your ISEP review findings regarding special education?**

Joann Fields explained most schools need support with special education programming due to a lack of qualified staff. The lack of qualified staff leads to a decrease in timely evaluations. Schools also need assistance with documentation for transition, service logs, and education and related services.

Chairperson Shawanokasic thanked Joann Fields for her presentation.

**Question:** Brian Wagner, Board Member – Asked if COVID had an effect on the number of referrals.

- **Response:** Joanne Fields – Stated she had not seen an increase in the number of referrals. However, there is concern the loss of instruction time from COVID may prompt more referrals.

Following are the responses given by Cheryl Johnson for Navajo Schools to each of the questions.

Cheryl Johnson introduced herself as an Educational Program Specialist. She has worked with the BIE for many years and has been in her role with Navajo Schools for one year.

**1. What services do you provide for BIE funded schools?**

Cheryl Johnson shared a map showing where all the schools are located which they service. Services they provide to Navajo Schools include evaluating special education programs, serving as a resource for information, ensuring procedures are appropriate, providing oversight of the Comprehensive Agreement Unit, guiding professional program plans, assessing and determining parent training needs, researching local resources, providing collaborative support, supporting district initiatives and trainings, ensuring schools enter accurate data in NASIS, ensuring schools submit Part B funding applications, assisting schools with submitting fiscal documents, ensuring schools develop and



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implement IEPs, monitoring schools with certified staff, and monitoring the assessment process.

- 2.** Please provide an update on the 2022-2023 school year. Discuss the successes, challenges, ongoing goals, and other items that would be pertinent to the Advisory Board.

Cheryl Johnson stated the Navajo Schools' goals include ensuring students are receiving IEP services, ensuring transparent communication, obtaining detailed data, getting ahead of issues that could result in a complaint, and working with the community. Challenges include teacher experience, staff certification, timely submissions, on-going training, proficient use of technology, background checks, student discipline protocols, housing, recruitment and retention, NASIS access, connectivity, shortages of specialized personnel, and various changes. Successes include the collected and shared baseline data for the ISEP review, continued communication and transparency, increased knowledge of the ISEP review for key employees, ensuring students with disabilities get the services they are entitled to, an additional Special Education Specialist position within the Navajo District office, implementation of the newly revised Navajo organizational chart (which will improve customer service and quality), and proactive steps to hold BIE employees accountable for providing quality services and education to students.

- 3.** What type of activities do you intend to provide for your region in the upcoming 2023-2024 school year?

Cheryl Johnson noted they set up special education micro trainings. These trainings were held in August and September. Training topics included secondary transition and NASIS IEP components. The trainings were recorded for those who couldn't participate.

- 4.** What were your ISEP review findings regarding special education?

Cheryl Johnson shared trainings she has been conducting regarding the ISEP review. She outlined the ISEP review cycle. She has created numerous spreadsheets to document school ISEP progress, school assignments, and school status. She shared the summary of data she collected and the amount of work it takes to travel to schools and complete reviews for the data. She also explained the time it takes to review files. She shared the form that is used for the ISEP review. Data shared from the ISEP review included the number of schools who contributed data; the distribution of students across disability types; whether IEPs listed the present levels of academic achievements and functional performance and measurable goals; information on the referral and consent to evaluate compliance requirements; assessment; and evaluation report compliance requirements, eligibility, consent, re-evaluation compliance requirements, and IEP team signature requirements. Findings included documentation on least restrictive environment.



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**Comment:** Dr. Janet Slowman-Chee, Board Member – Thanked Cheryl Johnson for the presentation and the guidance presented in the data.

**Comment:** Wendy Kroupa, Board Member –Thanked the presenter.

Following are the responses given by Gloria Yepa and Katharine Ford for BOS to each of the questions.

Katharine Ford introduced herself and Gloria Yepa as Educational Specialists. She reviewed the positions on their team and the resource centers they manage.

**1. What services do you provide for BIE funded schools?**

Katharine Ford explained services they provide include technical assistance and consultation as requested by BOS; support around IDEA compliance; support for school budgets and allowable costs for special education funding; the development of written processes and procedures for multi-tiered system of supports, child find, school responsibilities, and coordinating of resources; and assisting with Corrective Action Plans.

**2. Please provide an update on the 2022-2023 school year. Discuss the successes, challenges, ongoing goals, and other items that would be pertinent to the Advisory Board.**

Katharine Ford reported the past year’s successes include providing intensive assistance to six schools; collaboration with the University of New Mexico to provide professional development and guidance to several schools; follow up with several schools per the ISEP reviews; coordination with DPA activities with schools; detailing assignments to St. Stephens in Wyoming as they transitioned from a TCS to a BOS; participation in the Whole School, Community, Child (WSCC) initiative, contract development to assist schools in filling special education positions and allowing cost sharing, completed corrective action, creating meaningful community, student, staff, and tribal connections over the past year; attendance at school financial reviews; attendance at the Secondary Transition Community of Practice; presentations to the Board; and completion of fiscal and programmatic monitoring at the school level.

Challenges include human resources and staff openings; the costs of related services; the need for more school-level social workers, counselors, behavioral analysts, and mental health services; secondary transition implementation; determining shared responsibility with state agencies; and connecting schools with vocational rehabilitation and community resources. Goals include addressing human resources challenges, using the Internal Risk Control Matrix to assess areas of



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compliance to focus on program health and mitigate risk, drawing attention to related services contracts and cost sharing options, working on the WSCC, working with schools identified for secondary transition assistance, creating a framework for how schools can collaborate with state and Tribal entities, and working with BIE regional specialists to align training and resources.

### **3. What type of activities do you intend to provide for your region in the upcoming 2023-2024 school year?**

Katharine Ford outlined planned activities, which include providing training on addressing challenging behaviors, developing strategies for students on the spectrum, child find, safety strategies, parent engagement, accommodations, service logs, transition services, and smart goals. Additional planned activities include building out MTSS and intervention and referral procedures. They will continue to provide direct guidance to schools, build ADD-BOS capacity to implement positive behavior interventions and supports, and provide school-level support.

### **4. What were your ISEP review findings regarding special education?**

Katharine Ford was unable to respond to this question as time for her presentation ran out.

#### **12:15 PM – 1:15 PM | Working Lunch**

- 12:15 – 12:30 PM – Public Comment Session #4
- 12:30 – 12:45 Board Reflection for ADD Regions
- 12:45 – 1:15 PM Continue Lunch Break

#### **12:15 PM – 12:30 PM | Public Commenting Session #4 (15 minutes)**

Chairperson Norman Shawanokasic opened the public comment session and reviewed the guidelines for public commenting.

**Comment:** Dr. Elizabeth Younce, Board Member (JamBoard) – I appreciate the information presented to us today, especially the information related to the need for counselors, etc. and the supporting of staff. We tend to focus so much attention on the social/emotional needs of our students that we sometimes forget our staff.

**Comment:** Wendy Kroupa, Board Member – Expressed agreement with Dr. Younce and spoke to the shortages of staff and the needs of the students at her school.

**Comment:** Joann Fields – Commended Ron Worst, DPA, and Cheryl Johnson on working on the micro trainings, which are recorded and available for all schools. She noted the new policies and procedures are open for comment and she requested frequently asked questions be included about compensatory services.



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**Comment:** Monica Cleveland, Board Member (chat) – To the presenters today who provide services, how are the schools picked to collaborate with these programs?

Chairperson Norman Shawanokasic closed the public comment session.

### **12:30 PM – 12:45 PM | Board Reflection for ADD Regions**

Chairperson Norman Shawanokasic introduced the topic.

**Comment:** Leslie Finnearty, Board Member – Agreed there is a need to focus on the social/emotional well-being of staff members.

**Comment:** Dr. Janet Slowman-Chee, Board Member – Appreciated what was reported by the ADD regions. She noted the focus on compliance and the ability to deliver quality services to students. The expectation that paraeducators provide specialized supports was noted. She hoped the Board’s annual report would be recognized by the Department of the Interior.

**Question:** Leon K. Reval, Board Member – Echoed appreciation for the presentations. He noted the need to have exact data for decision making. He spoke of the compliance requirements to ensure IEPs are followed and needed services are provided to students. He questioned the definition of disability classifications for the purpose of reporting data.

- **Response:** Dr. Thompson, Supervisory Educational Specialist – Explained specific learning disabilities (SLD) is a categorization that fits different disorders that affect student learning. He noted how data is collected for reports.

**Question:** Pilar Peltier, Vice Chairperson – Asked what a special education team should do if a student is suspected of having dyslexia.

- **Response:** Dr. Thompson, Supervisory Educational Specialist – Responded saying interventions are generally tried first to see if the student improves or if an evaluation needs to be completed to determine if a disability classification is appropriate.

### **12:45 PM – 1:15 PM | Continued Lunch Break**

### **1:15 PM – 3:30 PM | Work on and finalize the 2023 annual report by the end of the day.**

Chairperson Norman Shawanokasic welcomed the Board back from the break. He explained the Board needs to finalize the 2023 annual report.

Chairperson Norman Shawanokasic also explained the Board needed to nominate and vote for a Secretary for the Board. He asked for anyone interested in the role to state their interest. The



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responsibilities of the secretary were explained.

Leon K. Reval, Board Member, stated when he attends meetings in person, he will have his son traveling with him but could perform the role with that caveat.

Brian Wagner, Board Member, nominated Leon K. Reval to be Secretary. Wendy Kroupa, Board Member, seconded it.

A motion was made by Brian Wagner, Board Member, to appoint Leon K. Reval to the position of Secretary for one calendar year, starting on January 15, 2024. The motion was seconded by Wendy Kroupa, Board Member. The motion was passed unanimously with Leon Rival, Board Member, abstaining from voting.

Leon K. Reval, Board Member, thanked the Board for the opportunity and received thanks from several Board members.

The Board continued working on the recommendations for priority one of the annual report on the topic of special education staff recruitment and retention. Multiple wording changes were made and the recommendations were streamlined. The Board finalized the first priority of the annual report.

The Board reviewed priority two of the annual report regarding the development and implementation of service coordination policies, procedures, and activities. It was suggested priority two was already being worked on, but it was determined the priority was specific to early childhood supports. After further discussion, the Board opted to remove the formerly drafted priority two.

The Board decided to skip their 2:00 EDT break.

The Board acknowledged several Board members had completed work to draft priority three. The goal, justification, and recommendations for priority three were tweaked.

The Board reviewed priority four. Chairperson Norman Shawanokasic suggested not adding priority four to the annual report and working on it as a priority for the next year. The Board agreed with this suggestion and reached consensus on the annual report including the two drafted priorities.

The Board reviewed, edited, and updated the introductory letter for the annual report.



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### **3:30 PM – 4:30 PM | Work on next meeting logistics (develop presenter questions)**

**Comment:** Jennifer Davis, DFO – Explained Dr. Eugene Thompson has requested to speak to the Board during the January meeting to provide an update on the SPP/APR, the policy and procedures, and the 2023-2024 school year monitoring activities.

The Board stated they wanted to continue to begin their meetings at 8:00 AM in whichever time zone the meeting is being held in.

**Comment:** Norman Shawanokasic, Chairperson – Suggested a working session for the Board where they can review the past three annual reports to see what priorities have been addressed in them and what they'd like to start drafting into the next report with a plan to write one priority.

**Comment:** Dr. Janet Slowman-Chee, Board Member – Recommended asking all presenters to give statistics on personnel vacancies and recruitment and to discuss strategies that have been utilized to hire personnel.

**Comment:** Wendy Kroupa, Board Member – Stated she enjoyed the meeting at Chemawa Indian School and appreciates opportunities to visit schools.

**Comment:** Jennifer Davis, DFO – Suggested the BIE Director be invited to the January meeting and questions be developed for him.

**Comment:** Norman Shawanokasic, Chairperson – Stated he would like an update from Director Dearman about actions on past annual reports.

**Comment:** Dr. Janet Slowman-Chee, Board Member – Noted the Board should push for responses to the annual report.

**Comment:** Norman Shawanokasic, Chairperson – Queried if the Board wanted to request Secretary Haaland's office present on the report about boarding schools.

**Comment:** Jennifer Davis, DFO – Explained the Department of Interior referred the request for Secretary Haaland back to the BIE.

**Comment:** Leon K. Reval, Secretary – Stated the previous recommendations from 2020-2023 could be compiled and sent to Director Dearman with the request he respond to actions toward the recommendations.

**Comment:** Brian Wagner, Board Member – Noted the comment period for the policies and procedures will be closed and stated he would like an update on it.

**Comment:** Dr. Janet Slowman-Chee, Board Member – Recommended requesting Director Dearman share any upcoming plans the BIE is working on.

The Board made decisions on where breaks and public comment sessions should be built into the agenda for the January meeting.

**Comment:** Dr. Thompson, Supervisory Educational Specialist – Suggested holding a priority setting session and having the contractors work with the group. He also recommended having a presentation



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on Education for Parents of Indigenous Children with Special Needs (EPICS).

**Comment:** Jennifer Davis, DFO – Noted the Board may want to hear a panel discussion from local schools in New Mexico.

**Comment:** Dr. Thompson, Supervisory Educational Specialist – Recommended a local high school talk about strategies for promoting postsecondary outcomes for students with disabilities.

**Comment:** Dr. Janet Slowman-Chee, Board Member – Requested the conversation on postsecondary outcomes include students.

**Comment:** Jennifer Davis, DFO – Observed there might be confidentiality issues with having students present.

**Comment:** Monica Cleveland, Board Member (chat) – As a parent, this is something I would not give my consent for.

**Comment:** Pilar Peltier, Vice Chairperson – Suggested having a speaker from tribal vocational rehabilitation.

**Comment:** Leslie Finnearty, Board Member – Stated she is not comfortable having a student speak to the Board because of confidentiality.

**Comment:** Wendy Kroupa, Board Member – Suggested a question for high school transition coordinators and tribal vocational rehabilitation.

**Comment:** Leon K. Reval, Secretary – Asked if SIPI was a candidate for speaking to the Board.

**Comment:** Norman Shawanokasic, Chairperson – Explained they tried to meet at SIPI recently and they weren't able to host the meeting.

**Comment:** Dr. Thompson – Suggested asking the high school transition presenter for data regarding postsecondary outcomes.

**Comment:** Monica Cleveland, Board Member (chat) – What resource are they and the parents receiving for moving on to higher education?

**Comment:** Pilar Peltier, Vice Chairperson – Requested asking how many students are being referred to vocational rehabilitation services.

**Comment:** Norman Shawanokasic, Chairperson – Suggested a report from the CANAR director with a question on how services are coordinated with state vocational rehabilitation. He recommended spending the afternoon of the second day working on future meeting logistics.

### **4:47 PM EDT | Adjourn**

Norman Shawanokasic, Chairperson – Advocated for Board members to attend the next meeting in person and thanked everyone for their attendance in person. Wendy Kroupa, Board Member, made a motion to adjourn the meeting. Dr. Elizabeth Yonce, Board Member, seconded the motion.

All Board members voted in favor of adjourning the meeting.