



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

Bureau of Indian Education Advisory Board Meeting Minutes

September 20 - 22, 2017

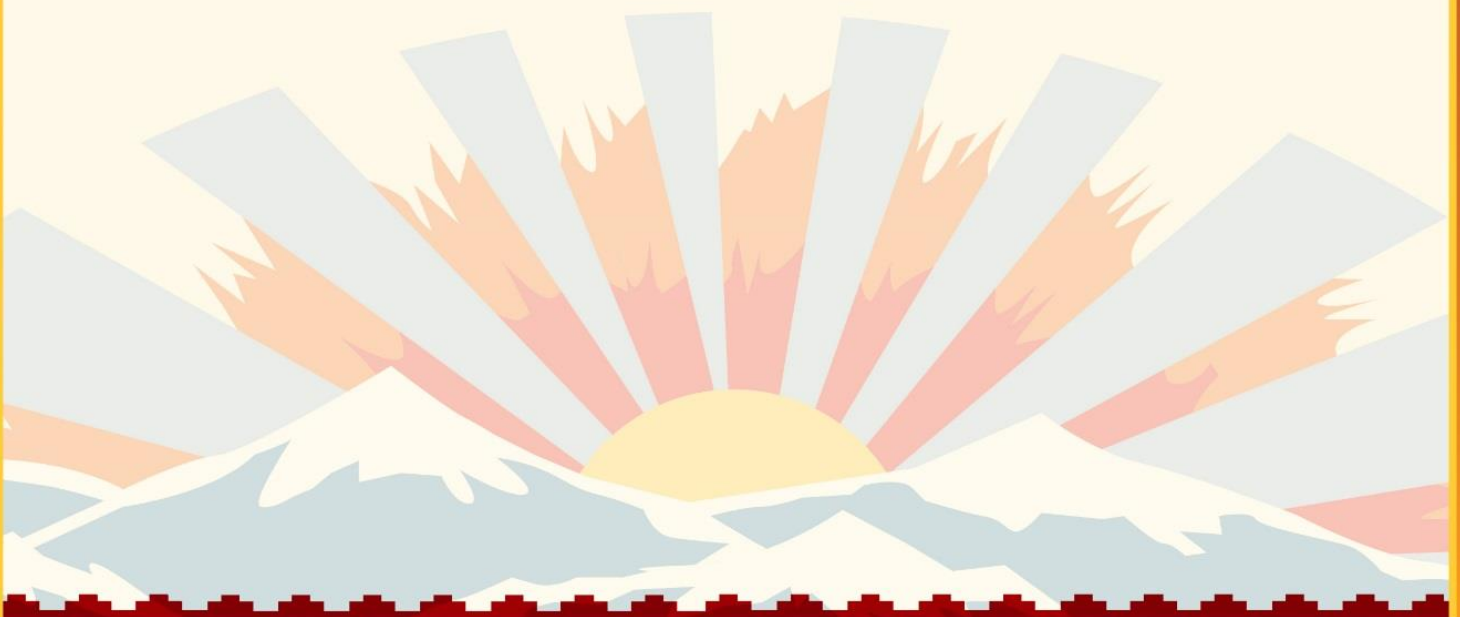


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Advisory Board for Exceptional Children

Orientation Session

Name of Committee: Bureau of Indian Education Exceptional Students Advisory board

Meeting Date: Wednesday, September 20, 2017

Meeting Location: 1011 Indian School Rd., NW, Room 240, Albuquerque, New Mexico

Meeting Presentation: Provided by webinar “GoTo Meeting” (visual purposes) and by teleconference (audio purposes).

Topic: Orientation meeting session for new Advisory Board members.

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

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

Current DFO Jennifer Davis, Education Specialist, has assisted the Advisory Board in maintaining compliance with these requirements.

Attendees:

- Adrienne Benally, New Board Member (Via webinar/teleconference)
- Jennifer Gillissen, Contractor Kauffman, Inc. (In person)
- Jennifer Davis, Designated Federal Officer (DFO) (In person)

Absent Advisory Board Members:

- Ronald Worst, New Board Member



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Meeting Activities:

1. Reviewed New Member Handbook – “Advisory Board Resource Book 2017”; and emailed a copy to Ms. Benally.
2. Emailed the 2016 Annual Report to Ms. Benally
3. Reviewed the Federal Advisory Committee Act
4. Reviewed the “Overview of the Individuals with Disabilities Act (IDEA) and the Office of Special Education Programs (OSEP)”
5. Provided Additional Resources
 - a. To Serve With Honor – ethics document

Orientation completed and closed September 20, 2017 at 10:15 am MT



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Advisory Board Meeting (Day 1)

Name of Committee: Bureau of Indian Education Exceptional Students Advisory board

Meeting Date: Thursday, September 21, 2017

Meeting Location: 1011 Indian School Rd., NW, Room 240, Albuquerque, New Mexico

Meeting Presentation: Provided by webinar “GoTo Meeting” (visual purposes) and by teleconference (audio purposes).

Interim Chair: Not assigned; Dolores Childs-Fullen, Board Secretary accepted interim assignment for the September 20-21, 2017 meeting sessions.

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Meeting Activities:

- **Thursday, September 21, 2017**
 - **Welcome, Introductions and Opening Prayer** – provided by Jennifer Davis, DFO
 - **Call to Order and Board Roll Call** – completed by Dolores Childs-Fullen, Board Secretary and temporary interim Chair.
 1. Present - Dr. Susan C. Faircloth, Board Member ((Via webinar and teleconference)
 2. Present - Dolores Childs-Fullen, Board Secretary and Interim Chair (In Person)



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3. Present - Dr. Harvey Rude, Board Member (In person)
4. Present - Norman Shawanokasic, Board Member (In person)
5. Present - Dr. Jonathan Stout, Board Member (Via webinar and teleconference)
6. Absent - Adrienne Benally, Board Member
7. Absent - Ronald Worst, Board Member

Other individuals in attendance:

- Jennifer Gillissen, Contractor Kauffman, Inc. (In person)
- Jennifer Davis, DFO (In person)

Observers from the General Public: The following individuals were present during the Advisory Board meeting.

- Jacque Benavides, BIE Human Resource representative
 - Vivian Pacheco, BIE Human Resource representative
 - Anna Smith, BIE Human Resource representative
 - Alexis DeLaCruz, observer
 - Willinda Castillo, observer
 - Gloria Yepa, observer
- **Old Business** – Delores Fullen reviewed minutes from the previous Advisory Board meeting that was conducted September 15-16, 2016 in Lawrence, KS.
 - **New Business** –
 - The Advisory Board wanted information on the BIE’s strategy to increase the Board membership to a full Board of 15 members. The DFO provided a plan. Arrangements will be made with the BIE Director’s Office to post the notice on the BIE website, the FRN will also be sent to all the BIA regional offices to disseminate the notice to all tribes nationwide, as well as organizations that have an interest in Indian education. The notice will also be sent to all 4 BIE Associate Deputy Director’s so they can disseminate the notice to all BIE Education Resource Centers as well as to all 183 BIE funded schools across 23 states.
 - Two Board members requested an update on the current status of the Havasupai School’s Dispute Resolution. Donald Griffin, DPA Supervisory Education Specialist for Special Education provided a brief summary.
 - Seven Advisory Board members terms expired July and September 2017. The DFO provided an explanation that the White House Liasion directed the DOI to seek nominations from the general public instead of approving



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an extended one year term (to expire in 2018) for the seven board members. The vetting process had been started but was canceled.

- Term ended July 2017
 - Dr. Juan Portley, Chair (3 year term)
 - Dr. Rosemarie Smith Dugi, Vice Chair (3 year term)
 - Luvette Ann Russell, Board member (3 year term)
- Term ended September 2017
 - Craig Euneau, Board member(2 year term)
 - Christopher Bordeaux, Board member(2 year term)
 - Carlita Lewis, Board member(2 year term)
 - Paula Sorrell Seanez, Board member (2 year term)
- The reason for having one Advisory Board meeting in 2017. The DFO provided an explanation to the Board members. Refer to the BIE Advisory Board's 2017 Annual Report (pages 6-7) for a detailed explanation.
- A Call for Nominations for new Board members – The DFO stated a Federal Register Notice (FRN) was submitted August 2017. As of the current date, 9/21/2017 the FRN still had not been published due to lack of authorized signatures and the DOI Review Committee needing to review the FRN request. The DFO will continue to check on the progress of getting the FRN published.
- The Advisory Board nomination form will expire December 31, 2017 – The DFO stated a FRN was submitted August 2017. As of the current date, 9/21/2017 the FRN still had not been published due to lack of authorized signatures and the DOI Review Committee needing to review the FRN request. The DFO will continue to check on the progress of getting the FRN published. *(This FRN was published on October 16, 2017, Vol. 82, No. 198, page 48109*
- The BIE Advisory Board contractor, “Kauffman & Associates, Inc. (KAI)”, the contract will terminate on Saturday, September 30, 2017. Jennifer Gillissen, CMP, CGMP Vice President of Meeting and Event Planning requested from all Advisory Board members, due to a limited time period there is a priority need to finish the 2017 annual report, submit all travel expenses, and to complete all documents before Friday, September 29, 2017.
- Dr. Susan Faircloth provided a newspaper article titled, “*Where are All Of Our Teachers Going?*” The article was reviewed by the Advisory Board. The article is written by Valerie Strauss and published in the Washington Post newspaper on September 18, 2017.



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- BIE Updates from BIE Director – Not available, no report provided.
- BIE Updates from the Division of Performance and Accountability (DPA), Dr. Jeffrey Hamley, DPA Associate Deputy Director and Donald Griffin, DPA Supervisory Education Specialist for Special Education.
 - Donald Griffin (In person) - Presentation of the state of the Special Education indicators and discussion with Donald Giffin.
 - Provided a summary of the BIE Organization Chart of currently filled and vacant positions for Special Education within the DPA and the Education Resource Centers (ERC's) for Bureau Operated Schools (BOS), Tribally Controlled Schools (TCS) and Navajo Schools. BIE can start hiring, waiver has lifted obstacles, concern to recruit and hire quality special education employees.
 - The DPA Special Education does not have enough staff to conduct PD and to provide TA. The BIE/DPA needs to meet SPED compliance factors versus PD, school support and TA. There are two Educ. Specs. assigned to provide PD to the schools (i.e. webinar for CEIS, unmet needs, etc.) while the remaining four Educ Specs are assigned to other projects.
 - Dispute Resolution – a summary of the current status was provided.
 - The various DPA monitorings were described with the reasons why they are done (i.e. onsite monitoring, desk review, IEP reviews, review secondary transition IEP's, initial evaluations, blended monitoring with our SEP, etc.)
 - Special education data collection – reviewed the current status, the types of data (i.e. assessment, dropout, graduation, child count, exiting, discipline, dispute resolution, academic participation and performance, etc.) currently being collected in 2017, up coming 2018 data collection, recently submitted data, the complexity of collecting data from BIE schools located within 23 different states to compile for our reports, a data team has been working for 2 years to assemble data; currently collecting SY 16-17 data; ensure quality and accurate data is being submitted.
 - State Systemic Improvement Plan (SSIP) was briefly reviewed and the areas to benefit Students with Disabilities (SWD); the BIE chose secondary transition and post school outcomes to focus on. The DPA met with a group of schools on the SSIP and the BIE has some schools that would like to get intensive modeling (improved IEPs with transition; identifying student to go activities; investigate careers, etc.). DPA has set up a universal website for TA for all of our schools for secondary transition improvement; moved to OBERVERSE site for schools to get information and post



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- school outcomes data is collected on this site. Lead is Dr. Eugene Thompson. Also helping are NSAI, IDEA Data Center and NCTACT.
- Parent Survey – were sent out May-June 2017. The BIE extended to end of Sept. Will analyze and return feedback to schools, then put info. in the annual performance report. The BIE is the highest in the country to get feedback from parents.
 - School Level of Determination – meant to issue June-July, 2017 but sent end of August 2017. This is due to the DOI restricting outgoing correspondence. The DOI has a committee that reviews all outgoing correspondence prior sending out any correspondence.
 - Criteria of Level of Determination – Don Griffin wants the BIE to be judged on the criteria as the States; BIE received Needs Intervention. BIE judged only on compliance (performance, state assessment and submission of data) not results. The BIE is in their 6th year of “Needs Intervention”.
 - The SY 2017-18 On-site Fiscal Program Monitoring Schedule was shared – the team consists of 2 sped; 2 title; 2 school ops; and 2 ERC’s specialists. On-site reviews are based on collected data (i.e. significant needs, data on compliance, sped data, title data, budget info, etc.); The names and scores of the 35 schools needs substantial intervention.
- Dr. Jeffrey Hamley (Via webinar/teleconference)
- ESSA – brief review, passed 12/2015 in phases, in SY 16-17 part of it will start; overall the Act is in effect.
 - BIE State Plan (SP) – provided brief summary of how BIE worked on SP; the SP will show transparency and how to improve schools; then will go with stakeholder output, then PPT presentation at places and schools, then revise at that point; would like it reviewed by experts to review; The goal is looking at SP as a road map to turn around our schools.
 - Negotiated Rule Making (NRM) – under NCLB the BIE requires NRM for standards and accountability; the Committee determines to use the State’s assessments for the BIE schools; ESSA requires NRM; DOE and BIE will get a chance to change this for this next go round. BIE is the only State in the U.S. that has a multi-part system; A committee was formed last year; now new President, DOI Secretary and White House wants input in the process so the BIE had to start all over again; FRN 9/14/2011; published for 30 days; BIE Advisory Board members can apply; White House will determine membership; this has made BIE fall behind to re-do the FRN and publish.



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- Status of the reorganization - Reorganization charts have not been signed! To move forward we need these charts signed. Mr. Kasam – he reorganized the BIE; Sept 28th the White House announced that major changes will come about; all agencies are required to submit their plans to reorganize their respective agencies, the BIE is in the plan, after the 9/28/17 we will know; we are getting waivers to hire. Mr. Kasam is open to move DC people to out in the field;
- LRP contract awarded – LRP provides PD for all BIE schools regarding supplemental programs (Title 1) and special education for various levels of school personnel from administrators to teachers and paraprofessionals.
- The Board members had numerous questions about the hiring process, slow process of hiring employees for BIE schools, recruitment and retention strategies, therefore three representative from the BIE Human Resource Department were available at the meeting to answer questions.

The Advisory Board meeting recessed September 21, 2017 at 4:00 pm MT



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Advisory Board Meeting (Day 2)

Name of Committee: Bureau of Indian Education Exceptional Students Advisory board

Meeting Date: Friday, September 22, 2017

Meeting Location: 1011 Indian School Rd., NW, Room 240, Albuquerque, New Mexico

Meeting Presentation: Provided by webinar “GoTo Meeting” (visual purposes) and by teleconference (audio purposes).

Interim Chair: Not assigned; Dolores Childs-Fullen, Board Secretary accepted interim assignment for the September 20-21, 2017 meeting sessions.

Call to Order and Board Roll Call – completed by Dolores Childs-Fullen, Board Secretary and temporary interim Chair.

Present - Dr. Susan C. Faircloth, Board Member ((Via webinar and teleconference)

Present - Dolores Childs-Fullen, Board Secretary and Interim Chair (In Person)

Present - Dr. Harvey Rude, Board Member (In person)

Present - Norman Shawanokasic, Board Member (In person)

Present - Dr. Jonathan Stout, Board Member (Via webinar and teleconference)

Absent - Adrienne Benally, Board Member

Absent - Ronald Worst, Board Member

Other individuals in attendance:

- Jennifer Gillissen, Contractor Kauffman, Inc. (In person)
- Jennifer Davis, DFO (In person)

Observers from the General Public: The following individuals were present during the Advisory Board meeting.

- Gloria Yepa, Education Program Specialist, Bureau Operated Schools
- Donald Griffin, Supervisory Education Specialist

Meeting Activities:

- **Friday, September, 22, 2017**
 - Board members discussed and created the 2017 Annual Report to submit to Secretary of Interior for distribution
 - Recommendations were developed



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- The Board agreed to write a letter format to be sent to Secretary of Interior to receive feedback. For prior years the Board provided a list of recommendation for the BIE administration, however there was a lack of feedback from the administration.
- **Public Comments –**
 - A public comment time period was provided on Friday, September 22, 2017 at 11:30-12:00 pm MT in room 240. This area was available for in-person commenting as well as teleconferencing. There were no comments from the general public.
 - There were no other comments from the general public provided to the DOI, BIE, BIE Advisory Board and the DFO via postal mail, facsimile, telephone and email.
- **BIE Human Resource Department –** (Jackie Benevidas, Vivian Pacheko, Anna Garcia) answered questions from the BIE Advisory Board. – Clarify the practice for BIE hiring, what is the BIE’s recruitment and retention strategies of staff at all levels? Staffing differential, Thoughts on Grow your own (practicums) programs, employee incentives, what is done to retain exceptional staff, Data on retention – does HR have data on turnover rate? Where are BIE just advertised - USA Jobs and BIE website, Preference – Indian, veterans only, More staff needed in HR to get the work done to help with backlog, etc.
- **Recommended next Advisory Board meeting sites for January 2018 –** Washington, DC, Cherokee, NC, Phoenix, Az, Albuquerque, NM; or during the next NIEA Convention – October 10-13, 2018, Hartford, CT or during the Council for Exceptional Children (CEC), February 7-10, 2018 Tampa, FL

The Advisory Board developed the following Recommendations:

BIE Reorganization

We recommend a decision regarding the Reorganizational structure of the Bureau of Indian Education be made immediately.

- A. We recommend a decision be made immediately regarding the Reorganization of the Bureau of Indian Education.
- B. We recommend expediting the hiring process for positions identified through the Reorganization where tentative selections have been made.
- C. We recommend that clear roles and expectations for personnel (ex. DPA, ERC, local schools, etc.) are communicated throughout the Reorganizational structure.

Sovereignty

- A. Identify and clarify the purpose and scope of the Office for Sovereignty in Indian Education to all Departments in the BIE system (i.e. HR, Secretary of Interior, DPA, ERC’s, schools, etc.)



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- B. Ensure this office builds capacity of Tribally Controlled Schools to provide Special Education services by appropriately qualified staff members to effectively manage and support Tribes (ex. Teachers, para-professionals, Specialized Instructional Service Providers, etc.).

Staffing & Support

- A. Identify a network for schools to go to for daily support services for students with disabilities (i.e., School level Special Education coordinator, Program Improvement Specialist for Special Education, Education Specialist at the ADD and SEA levels.).
- B. There are a number of Native American Administrator Preparation programs that could be leveraged to increase the number of Special Education professional. School personnel having regional and professional development opportunities.

Thank you for the opportunity to share these concerns. Please inform the Advisory Board if specific content in this letter needs further clarification.

The Advisory Board Decisions:

The Honorable Ryan Zinke

Secretary of the United States Department of the Interior
1849 C Street NW • Washington, DC 20240

Dear Secretary Zinke:

This letter will outline the Advisory Board's concerns regarding the Bureau of Indian Education (BIE) Reorganization and its devastating impact on students with disabilities within the service of the BIE. The Office of Special Education Programs has determined that the Bureau of Indian Education "needs intervention" to be in compliance with regulations for implementing the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) for the sixth consecutive year.

The Bureau of Indian Education (BIE) Advisory Board for Exceptional Children recently met to fulfill its charge to provide an Annual Report to the Secretary of the Interior. Previous Advisory Board Annual Reports listed specific recommendations with timelines and assigned duties to improve the quality of education services for students with disabilities. The Board recognized the same concerns repeated from year to year without response from the Secretary of Interior's office and BIE Administration to appropriately address the content; therefore, the Advisory Board has altered the content of this Annual Report.

The Advisory Board would ask you to address the following concerns.

- BIE Reorganization



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- Sovereignty
- Staffing & Support

Respectfully yours,

Dolores Childs-Fullen, Board Secretary
Dr. Harvey Rude, Board Member
Norman Shawanokasic, Board Member
Dr. Jonathan Stout, Board Member
Dr. Susan C. Faircloth, Board Member

cc:

Betsy DeVos, Secretary of Education
Tony Dearman, Director, BIE
Dr. Jeffrey Hamley, Associate Deputy Director, BIE

Attachments:

- BIE Organization chart
- Daily Sign-in Sheet

The Advisory Board meeting recessed September 21, 2017 at 3:00 pm MT



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Appendix 1: BIE Organizational Chart

Director Bureau of Indian Education
Mr. Tony Dearman

Associate Deputy Director of Performance and Accountability
Dr. Jeffrey Hamley

Supervisory Education Specialist
Donald Griffin

Special Education Programs

Washington DC

Education Program Specialist GS-14 - not filled
Education Program Specialist GS-13 - not filled
Program Support Assistant - GS-09 – tentative selection

Bureau Operated Schools

Albuquerque, NM

Education Program Specialist GS-13- Marcy Oliver
Phoenix, AZ
Education Program Specialist GS-13- Jennifer Davis
Belcourt, ND
Education Program Specialist GS-13- Adm. hold

Tribally Controlled Schools

Bismarck, ND

Education Program Specialist GS-13- admin hold

Kyle, SD

Education Program Specialist GS-13- admin hold

Flandreau, SD

Education Program Specialist GS-13- admin hold

Albuquerque, NM

Education Program Specialist GS-13- Dr. Eugene Thompson

Education Program Specialist GS-13- Connie Albert

Seattle, WA

Education Program Specialist GS-13– tentative selection

Nashville, TN

Education Program Specialist GS-13– tentative selection

Navajo Schools

Chinle, AZ

Education Program Specialist GS-13- not filled

Tuba City, AZ

Education Program Specialist GS-13- Zonnie Sombrero

Shiprock, NM

Education Program Specialist GS-13- filled by detail

Crownpoint, NM

Education Program Specialist GS-13- detailed to SEP

Education Program Specialist GS-13- tentative selection



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Appendix 1: Advisory Board Members

Table 1 lists current Advisory Board members.

Table 1. Advisory Board Members

Member	Representative Category	Term	End Date
Dolores Childs-Fullen, Secretary Chandler, AZ dgjfullen@aol.com	Parents/Guardians of Children with Disabilities and Teachers of Children with Disabilities	3 years	9/2018
Adrienne Benally Fort Defiance, AZ Adrienne_benally@nnosers.org	Indian Persons with Disabilities, Parents/Guardians of Children with Disabilities, and Teachers and Local Education Officials	3 years	12/2019
Dr. Susan C. Faircloth Wilmington, NC susanfaircloth@gmail.com	Parents/Guardians of Children with Disabilities	3 years	5/2019
Dr. Harvey Rude Loveland, CO Harvey.Rude@unco.edu	Parents/Guardians of Children with Disabilities	2 years	12/2019
Norman Shawanokasic Keshena, WI mte_chairman@yahoo.com	Parents/Guardians of Children with Disabilities	3 years	5/2019
Dr. Jonathan Stout Lemont, PA Woodman340@gmail.com	Indian Persons with Disabilities, Teachers of Children with Disabilities, and Service Providers	3 years	9/2018
Ronald Worst Aumsville, OR rworst@cascade.k12.or.us	Parents/Guardians of Children with Disabilities	3 years	12/2019
Eight vacant member slots	Vacant	Vacant	Vacant



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Appendix 1: Agenda – New Board Member Orientation

BIE ADVISORY BOARD FOR EXCEPTIONAL CHILDREN MEETING
1011 INDIAN SCHOOL RD NW, ROOM 240, ALBUQUERQUE, NM 87104
SEPTEMBER 20, 2017

September 20, 2017 (Wednesday) - ORIENTATION for new Board members

8:30 a.m.	Welcome and Introductions	<u>Jennifer Davis, Designated Federal Officer Kauffman & Associates, Inc.</u>
9:00 a.m. to 12:00 p.m.	Review New Member Handbook Federal Advisory Committee Act (FACA) Overview PowerPoint Presentation	<u>Kauffman & Associates, Inc.</u>
12:00 – 1:00 p.m.	Lunch (On Your Own)	
1:00 – 4:30 pm	BIE Special Education Program (SPED) – Individuals with Disabilities Education Act (IDEA)	<u>Jennifer Davis</u>
4:30 p.m.	Orientation Closure	<u>Kauffman & Associates, Inc.</u>



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Appendix 1: Advisory Board Agenda (Day 1 & 2)

BIE ADVISORY BOARD FOR EXCEPTIONAL CHILDREN MEETING
1011 INDIAN SCHOOL RD NW, ROOM 240, ALBUQUERQUE, NM 87104
SEPTEMBER 20-22, 2017

September 21, 2017 (Thursday) - BIE Advisory Board Meeting

8:30 a.m.	Welcome & Introductions Opening Prayer	<u>Jennifer Davis, DFO</u>
9:00 a.m.	Call to Order Roll Call Old Business New Business	<u>Delores Childs-Fullen, Secretary</u>
9:30 a.m.	BIE Updates	<u>Tony Dearman, BIE Director</u> Bureau of Indian Education (BIE)
11:30 a.m.	Lunch (On Your Own)	
1:00 – 2:45 p.m.	BIE Special Education Updates Advisory Board Questions for Mr. Griffin	<u>Donald Griffin, Supervisory Educ. Specialist</u> BIE/DPA/Special Education Programs
2:45 p.m.	Every Student Succeeds Act (ESSA) Updates	<u>Dr. Jeffrey Hamley, Associate Deputy Director</u> Division of Performance & Accountability (DPA)
		<u>Gaye Leia King, Supervisory Educ. Specialist,</u> BIE/DPA/Supplemental Education Programs
4:30 p.m.	Recess for the Day	

September 22, 2017 (Friday)- BIE Advisory Board Meeting

8:30 a.m.	Advice and Recommendations	BIE Advisory Board members
11:30 a.m.	Public Comment Conference call for public comment from 11:30 – 12:00 p.m. MST. The call-in information is: Conference Number: 1-888-417-0376 Passcode: 1509140	BIE Advisory Board members
12:00 p.m.	Lunch (On Your Own)	
2:00 p.m.	Discussion	BIE Advisory Board members
4:30 p.m.	Adjourn and Closing Prayer	BIE Advisory Board members

