



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

Bureau of Indian Education Advisory Board Meeting Minutes

January 11-12, 2018

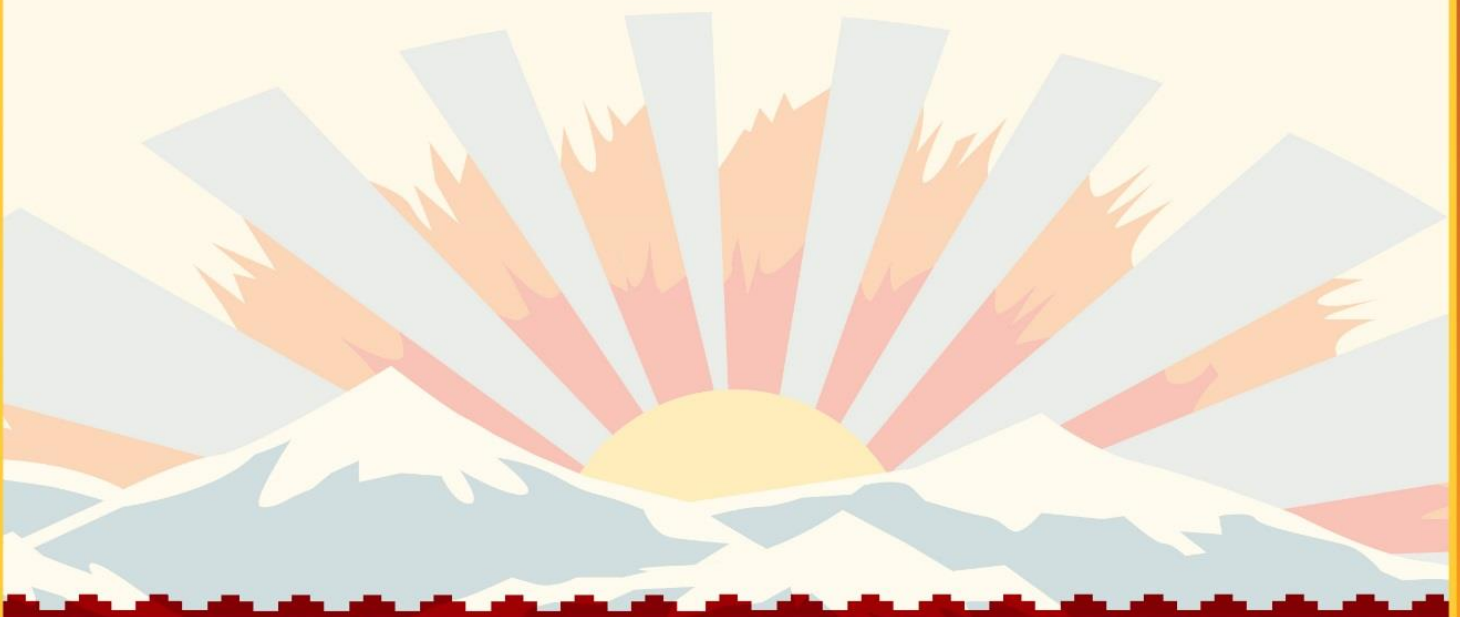


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U.S. BUREAU OF INDIAN EDUCATION

Advisory Board for Exceptional Children

Advisory Board Meeting (Day 1) - Thursday, January 11, 2018

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

Meeting Location: 1011 Indian School Rd., NW, Room 340, Albuquerque, New Mexico

Meeting Presentation: Provided in person for participants located onsite; and by webinar “GoTo Meeting” (visual purposes); and by teleconference (audio purposes).

Interim Chair: Dolores Childs-Fullen, Board Secretary accepted interim assignment for the January 11-12, 2018 meeting sessions.

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.

Meeting Activities:

- **Welcome and Introductions** – provided by Jennifer Davis, DFO
- **Opening Prayer** – provided by Norman Shwanokasic, Board Member
- **Call to Order and Board Roll Call** – completed by Dolores Childs-Fullen, Board Secretary and temporary interim Chair.
 1. Present - Adrienne Benally, Board Member (via webinar and teleconference)
 2. Present - Dr. Susan C. Faircloth, Board Member (In person)
 3. Present - Dolores Childs-Fullen, Interim Chair/Secretary (webinar/teleconf.)
 4. Present - Dr. Harvey Rude, Board Member (In person)
 5. Present - Norman Shwanokasic, Board Member (In person)
 6. Present - Dr. Jonathan Stout, Board Member (In person)
 7. Present - Ronald Worst, Board Member (In person)



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Other individuals in attendance:

- Donald Griffin, Supervisory Education Specialist (In person)
- Jennifer Davis, DFO (In person)

Observers from the General Public: None

- **Old Business** – Delores Fullen reviewed minutes from the previous Advisory Board meeting that was conducted September 20-22, 2017 in Albuquerque, NM. Minutes were accepted by all Board members with no changes.
- **New Business** –
 - Donald Griffin would like to involve the stakeholders (BIE Advisory Board) providing information and seek input from the Board regarding the APR Data to EdFacts prior to submission of the data.
 - Jennifer Davis needs to review travel vouchering with he Advisory Board members.
- **BIE Updates** –
 - BIE Director from Tony Dearman – Not available, no report provided.
 - Donald Griffin, Division of Performance and Accountability (DPA), Supervisory Education Specialist for Special Education. (In person)
 - Provided updates regarding special education data for each item (GRADS 360, High Stakes Testing, Indicators 1,2, 3b, 3c, 4b, 5, 8, 11, 13, 14, 15 and 16); along with disucssions, questions and comments.
 - Updates about monitoring – how schools are identified for monitoring using a risk based matrix, etc.; 16 schools to be monitored and identified through risk based matrix; significant discrepancies; top tier is intensive to go onsite and now include programmatic and fiscal monitoring; GAO reports that ISEP needs to be monitoring too; the hope is to blend all programs (SPED, Title and ISEP) to be one monitoring; BIE has approached AdvanceED to collaborate – BIE still seeking a response.
 - Questions from the Board – (1) How many DPA special education staff for BIE? There are 8 staff spread out across the nation. (2) Information about State Complaints – Number of Hearings durng FY16-17 = 0; Mediations = 2; Navajo = their complaints are decreasing; (3) Accommodations – what do we need to look at to ensure accommodations are being met? This is done through the onsite monitoring process. (4) Funding – SPED funds are not distributed to schools who have not complied by not submitting the required documents to DPA.



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- - Dr. Jeffrey Hamley, DPA Associate Deputy Director (Telephone)
 1. **Negotiated Rule Making** – BIE is a federal agency so the accountability system the schools would use their State Assessment standards; this has created a lot of problems for the BIE and the only entity in the Nation that does this; The BIE proposes a Uniformed Accountability System; Status is to form a committee – we have names that has been sent to the White House for vetting in early December; BIE formed a committee a year ago and due to Presidential elections and new administration the BIE has to re-do the process again; Committee is about 15 members; will take 60 days to convene the Committee; meeting won't take place until about April-May 2018; BIE has a waiver to implement the Accountability system in FY18-19, even with this waiver the BIE may not meet this deadline. The BIE is working on a plan to maybe seek another waiver; provided activities of the committee; FRN will be published to announce the committee members;
 - a. Questions - None
 2. **State Plan** – In the ESSA this is required for states; the BIE is legally not a state therefore a State Plan is not required; DOE will accept a SP if the BIE submits; BIE Director has decided the BIE needs to submit a State Plan – how the BIE will meet the requirements of ESSA in the various important areas and the BIE needs a Plan to address instruction, PD, etc. We need goals set, achievement levels and various pieces of the SP; the BIE will hire consultants to review the SP and the BIE would like the Advisory Board to review the draft SP for feedback; the BIE is using the revised template for the SP; we are continuing to get stakeholder input; there is a DRAFT on the BIE webpage but still needs work;
 - a. **Questions** – Any additional input on the BIE Reorganization? – Mr. Dearman will comment tomorrow. The Re-org chart has not been signed. The BIE is moving forward on hiring but need to seek waivers from DOI to hire; The BIE is less than 50% filled; DOI is facing major cuts – will this be within IDEA and ESSA? The BIE does not know.
 - b. **Onsite Monitoring** – Bureau wide monitoring program is the goal for FY18;
 - c. **BIE Senior Management retreat** – to be held in VA; address of what the ERC's are supposed to be doing;

The Advisory Board meeting recessed January 11, 2018 at 4:00 pm MT



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Advisory Board Meeting (Day 2) - Friday, January 12, 2018

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

Meeting Location: 1011 Indian School Rd., NW, Room 340, Albuquerque, New Mexico

Meeting Presentation: Provided in person for participants located onsite; and by webinar “GoTo Meeting” (visual purposes); and by teleconference (audio purposes).

Meeting Activities:

- **Call to Order and Board Roll Call** – completed by Dolores Childs-Fullen, Board Secretary and temporary interim Chair.
 1. Present - Adrienne Benally, Board Member (via webinar and teleconference)
 2. Present - Dr. Susan C. Faircloth, Board Member (In person)
 3. Present - Dolores Childs-Fullen, Interim Chair/Secretary (webinar/teleconf.)
 4. Present - Dr. Harvey Rude, Board Member (In person)
 5. Present - Norman Schwanokasic, Board Member (In person)
 6. Present - Dr. Jonathan Stout, Board Member (In person)
 7. Present - Ronald Worst, Board Member (In person)

Observers from the General Public: The following individuals were present during the Advisory Board meeting. There were no comments.

- Gloria Yepa, Acting Associate Deputy Director, Bureau Operated Schools
- Donald Griffin, Supervisory Education Specialist
- Dr. Eugene Thompson, Education Specialist (Special Education)

- **2018 Advisory Board Priorities**

The Board continued to discuss various items for priorities. When setting priorities SMART goals and expected outcomes should also be part of the priorities.

 1. **Recruitment and Retention of Special Education Personnel (Special Education Teachers and Related Service Providers)**
 - a. One of the goal is to get BIE HR on an educational time clock and also focus on WHEN to hire potential educators; The BIE needs a specialized recruiter in the field of education; Not only recruit using USAJOBS.com but using other avenues; Staffing and Support
 2. The BIE Reorganization structure status to support SPED services throughout the services
 - **Recruitment and retention work group** – Dr. Harvey Rude (Lead), Dr. Susan Faircloth and Dr. Jonathan Stout
 - **Reorganization work group** – Norman Schwanokasic (Lead), Ronald Worst, Adrienne Benally and Delores Fullen



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The Board requests a subcommittee to work on SMART Goals and Expected Outcomes for each of the priorities.

- **Public Comments –**
 - A public comment time period was provided on Friday, January 12, 2018 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 Director from Tony Dearman (via telephone) –** Introduction fo the Advisory Board memberes were provided to the BIE Director. The BIE Director answered several questions from the BIE Advisory Board.
 1. What is the current status and updates of the BIE reorganization in regards to special education programs and services? And support to schools for technical assistance?
 2. What is the BIE’s budget for FY18-19 and FY19-20 and what amount is dedicated to special education? Does he foresee any short falls for the special education program?
 3. What is the BIE’s recruitment and retention budget for hiring, specific to special education?
 4. What is the current status of the TED grants?
 5. Describe how the BIE Director sees the monitoring process going forward for ISEP, SPED and SEP?
 6. How and when will the BIE Director clarify roles and responsibilities at each level such as the ADD’s, ERC’s, and LEA’s?
 7. What is the current status of the ERC’s working with the BIE funded schools?
 8. What is the transmittal process for sending the annual letter and report from the Advisory Board to Secretary Zinke?
 9. How does Mr. Dearman envision the roles and the interaction of the BIE Advisory Board with the BIE Director’s Office?
- **Recommended sites for the next Advisory Board meeting sites for May 2018 –**
 - Choctaw, MS (with BIE school tours)
 - Standing Rock, ND (with school tours)
 - Chemawa Indian School (with school tour)



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The Advisory Board developed the following Recommendations:

The Board recommends to work on a two priorities that should include SMART goals and expected outcomes.

- A. The Board requests a subcommittee to work on SMART Goals and Expected Outcomes for each of the two priorities.
 1. **Recruitment and retention work group** – Dr. Harvey Rude (Lead), Dr. Susan Faircloth and Dr. Jonathan Stout
 2. **Reorganization work group** – Norman Schwanokasic (Lead), Ronald Worst, Adrienne Benally and Delores Fullen

- B. The Advisory Board wants to ensure that it gets a response (i.e. receipt of Board letter and the annual report) from the BIE Director's office and the Secretary of Interior when official correspondence is submitted. We just want some reassurance that our correspondence is being read and we will receive a response.

The Advisory Board meeting recessed January 12, 2018 at 4:15 pm MT



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Appendix 1: Advisory Board Letter to Secretary Zinke

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
- 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



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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, Interim Chair/Secretary Chandler, AZ	Parents/Guardians of Children with Disabilities and Teachers of Children with Disabilities	3 years	9/2018
Adrienne Benally Fort Defiance, AZ	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	Parents/Guardians of Children with Disabilities	3 years	5/2019
Dr. Harvey Rude Loveland, CO	Parents/Guardians of Children with Disabilities	2 years	12/2019
Norman Shawanokasic Keshena, WI	Parents/Guardians of Children with Disabilities	3 years	5/2019
Dr. Jonathan Stout Lemont, PA	Indian Persons with Disabilities, Teachers of Children with Disabilities, and Service Providers	3 years	9/2018
Ronald Worst Aumsville, OR	Parents/Guardians of Children with Disabilities	3 years	12/2019
Eight vacant member slots	Vacant	Vacant	Vacant



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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**

January 11, 2018 (Thursday) - BIE Advisory Board Meeting

8:30 a.m.	Welcome & Introductions	<u>Jennifer Davis, DFO</u> Advisory Board Member
	Opening Prayer	
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	<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)
4:30 p.m.	Recess for the Day	

January 12, 2018 (Friday)- BIE Advisory Board Meeting

8:30 a.m.	Advice and Recommendations Board work on Priorities	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

