



**U.S. Department of the Interior  
Bureau of Indian Education  
Advisory Board for Exceptional Children**

**Meeting Minutes  
September 22, 2018**

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## **Saturday, September 22, 2018**

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

**Meeting Location:** National Indian Programs Training Center, 1011 Indian School Rd., NW, Room 340, Albuquerque, New Mexico

**Meeting Presentation:** Provided in person presentation for participants located onsite; and teleconference (audio) for public commenting.

**Advisory Board Chair:** Norman Shawanokasic

**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.

The DFO was present to maintain compliance with the FACA regulations.

### **Advisory Board Meeting**

**Start Date:** 9/22/2018

**Start Time:** 8:15 a.m. MT

**Welcome and Introductions** – provided by Jennifer Davis, DFO

**Call to Order and Board Roll Call** – completed by Norman Shawanokasic, Chair

1. Present - Norman Shawanokasic, Board Member (In person)
2. Present - Dolores Childs-Fullen, Secretary (In person)
3. Present - Adrienne Benally, Board Member (In person)
4. Present - Dr. Susan C. Faircloth, Board Member (In person)
5. Present - Dr. Harvey Rude, Board Member (In person)
6. Absent - Ronald Worst, Board Member (Absent - Excused)
7. Absent - Dr. Jonathan Stout, Board Member (Absent - Excused)

Other individuals in attendance: Jennifer Davis, DFO (In person)  
Gallery: Open with no attendance

**Approval of 9/22/2018 Agenda:** Changes were made to the agenda. The meeting ending time will be set to 4:30pm MT and not 5:00 p.m. MT. All approved (Ayes: 5; Nays: 0).

**Old Business:**

- The Chair spoke about the importance of transparency and that the Advisory Board will continue to be transparent; the Chair will assist the DFO with agenda construction; the DFO will ensure comments or opinions from the gallery are limited to the public commenting period; and the Board will adhere to the meeting agenda as printed.
- The Advisory Board members reviewed the July 25-27, 2018 minutes. Corrections were pointed out by Board members for the January 2018 and July 2018 minutes. The minutes were accepted: Dr. Susan Faircloth motioned to approve, Adrienne Benally second. The motion was carried. All approved (Ayes: 5; Nays: 0).
- The DFO reported the next Advisory Board meeting is scheduled to take place at 1011 Indian School Rd., NW, located in Albuquerque, NM on January 16-18, 2019. Room #234 will be reserved on the second floor due to the anticipated large group of 15 Board members and other guests who will be presenting. The Board members requested to attend the entire meeting; including the AM orientation training on 1/16/19 since there may be ten new Board members present. It is anticipated that ten pending applicants will be vetted in a timely manner and they will be approved by the January 2019 Board meeting.
  - The DFO requested justification from the Board for setting up a tour for Southwest Indian Polytech Institute (SIPI). The Board states they would like to reach out to stakeholders and to inquire about the mission and articulation agreements with 4-year post-secondary schools for teacher preparation programs within the BIE.
  - The Board would like the following items to be added to the January 2019 agenda: On Wednesday, 1/16/19 an AM orientation session for all Board members, then start the SIPI campus tour and meeting with Dr. Sherry Allison, SIPI President and her executive members. Begin the full Board meeting on 1/17/19 – 1/18/19. On Thursday, 1/17/19 an update from Dr. Hamley, Associate Deputy Director for the DPA to update the Board on the BIE ESSA status, BIE Standards, Assessments and Accountability System Negotiated Rulemaking, and the GAO review; to meet with the BIE Associate Deputy Directors (Dr. Hamley, Tamarah Pfeiffer, Rosemarie Davis and Hankie Ortiz) for implementation of action plans, ERC updates, success and concerns. On Friday, 1/18/19 questions for BIE Director, Tony Dearman. The Chair will forward questions to the DFO. The Board also requests that Dr. Maureen Lesky, Special Assistant to the ADD Bureau Operated Schools, to provide an update on the Tribal Education Department (TED) Grant Program. The DFO will finalize the January 2019 agenda by October 15, 2018.

- The DFO reported to the Board the renewal of the Charter is currently going through the DOI's Data Tracking System (DTS) for review and signatures.

#### **New Business:**

- The Board asked if the Letter of Recommendations was ever sent to Secretary Ryan Zinke. The DFO reported the letter may have been overlooked. The DFO recommended to the Board that another Letter of Recommendations be sent again. The Board will write a follow-up letter to be included with the 2018 Annual Report which will be given to the DFO to begin the process and sent to the appropriate personnel.
- The DFO reported the following items to the Board:
  - The DFO received an official Letter of Designation on 9/20/18 that states Norman Shawanokasic is the new Chair for the BIE Advisory Board, effective 9/20/18 and ending 5/31/2019.
    - Mr. Shawanokasic's Board term also expires on 5/31/2019. Beginning 6/1/2019 another Chairperson will need to be appointed for the Board. The Board approved that the DFO will submit another request 3/1/2019 to request another Chair designation to avoid any Board interruptions.
  - Two board members, Dr. Jonathan Stout and Delores Childs-Fullen; their terms will expire in September 2018. Thereafter, the Advisory Board will consist of five active Board members. When the applicants have been vetted and approved, hopefully the Board will return back to a full 15-member Board before the January 2019 Advisory Board meeting.
    - Dr. Faircloth expressed concerns about the decreasing number of current Board members. In May 2019 two more current Board member's terms will expire. That will leave Dr. Harvey Rude the only remaining board member with back history and knowledge of what has been going on for the past years. Dr. Faircloth expressed her concerns regarding the need for continuity, purpose and focus.
  - The BIE considers all BIE Advisory Board members as Invitational Travelers, therefore all members will need to pay for their own lodging costs then submit a voucher to be reimbursed for all travel costs. The BIE will pay for all airline tickets for the Board members. The Board members who use an airline to attend the Board meetings they will continue to submit their airline invoices when vouchering. The Invitational Traveler procedure will be expected to take place starting January 1, 2019. For the new advisory board members, the Invitational Traveler process and vouchering process will be discussed during orientation at the next Board meeting.
  - There were 10 applicants who applied for the BIE Advisory Board. Their documents were reviewed by a BIE committee. All 10 names were approved by the BIE and were forwarded to the next level. The week of 9/17/18 the DOI will be forwarding the 10 names to the White House Liaison to begin the vetting process.

- The DFO submitted a third Call for Nominations 7/19/18. With a closing date set for 11/16/18. There has been no activity on this Federal Register Notice (FRN). The DFO will need to pull the 7/19/18 FRN for nominations and update it. The Board requests another Call for Nominations begin October 2018. The changes will be to advertise for two positions, let the FRN be posted for at least a minimum of 30 days. The Board requests the FRN to be posted as soon as possible to allow time for the entire process (publishing process, advertising to the general public, BIE Committee review and vetting) to be completed near or by May 2019 which will coincide with the two Board member's terms which will expire May 2019.

#### **Public Comments (11:30 a.m. to 12:00 p.m. MT)**

- The advisor board meeting area (room 340) was accessible and available for in-person commenting as well as teleconferencing.
- There were no comments provided from the general public to the DOI, BIE, BIE Advisory Board and the DFO via in-person, telephone, postal mail, facsimile and email.
- Signed on at 11:25a.m. and signed off at 12:00 p.m. MT

#### **Work Group Session:**

- The Board worked on and completed the 2018 Annual Report.
- The Board worked on and completed a Letter of Recommendations. The Letter will be sent by the DFO to the BIE Director's Office which will be forwarded to the DOI's Office of the Secretary, Ryan Zinke.

#### **Adjournment**

- Dr. Harvey Rude made the motion; Adrienne Benally second the motion.
- Meeting ended at 3:06 p.m. MT

## **Appendix 1:**

- Letter of Recommendations to Secretary Zinke
- Advisory Board Member Roster
- Advisory Board Agenda

# Recommendations Letter

September 22, 2018

## **The Honorable Ryan Zinke**

Secretary of the United States Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

### **Dear Secretary Zinke:**

This letter will outline the BIE Advisory Board for Exceptional Children concerns regarding the provision of special education and related services to students within BIE funded schools. In doing so we outline two primary concerns and related recommendations:

1. BIE Reorganization
2. Recruitment and Retention of staff

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 seventh consecutive year.

The Advisory Board has fulfilled its requirement of meeting a minimum of twice a year and providing 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. During this meeting, the Advisory Board noted the same concerns that have arisen repeatedly with no response from the Secretary of Interior’s office or the BIE Administration, and the resulting failure to appropriately address the content of these reports.

The Advisory Board respectfully requests that you acknowledge receipt of this letter and the accompanying report and that you address the following concerns in a timely manner. We welcome the opportunity to meet and discuss with you to address these issues.

### **BIE Reorganization**

**Justification:** The Advisory Board is concerned that the current Administration has not clearly outlined and communicated the extent to which the reorganization of the BIE will impact the provision of special education and related services to students within BIE funded schools. This



lack of a clearly articulated plan for reorganization as relates to special education and related services will continue to result in inadequate services for students with disabilities.

- A. We recommend that the BIE immediately communicate the reorganization plan as relates to special education programs and services. Specifically, we request an update as to which phase of the reorganization the BIE is current in as per Order No. 3334.
- B. We recommend expediting the hiring process for positions associated with this reorganization.
- C. We recommend that clear roles and expectations for personnel (e.g., DPA, ERC, local schools, etc.) be communicated throughout the Reorganization.

### **Recruitment and Retention of Staff**

**Justification:** The BIE currently has an increased number of mediations and schools needing substantial improvement. Without appropriate staffing to assist schools in providing services for students with disabilities, the BIE is at risk of being out of compliance with federal requirements regarding the provision of special education services and coordination of related services. This is a violation of the federal trust responsibility for Indian Education as well as Individuals with Disability Education Act (IDEA).

- A. We recommend that the BIE implement a system by which schools have access to daily support services for students with disabilities (e.g., school-level special education coordinator, program improvement specialist for special education, or education specialist at the ADD and SEA levels, implement the Continuous Quality Improvement plan (CQI)).
- B. We recommend that the BIE work to ensure adequate recruitment and training of special educators and related service providers. To assist in this effort, the BIE is asked to work with existing Native American administrator preparation programs that can be leveraged to increase the number of special education professionals. We also recommend that school personnel have opportunities to participate in regional and professional development programming.
- C. The Advisory Board recommends that collaborative partnerships between educator preparation institutions and BIE schools be developed for the purpose of preparing teachers, specialized service professionals, and school leaders for BIE schools.

Implementation of the recommendation as outlined above will be critical as the BIE works to ensure implementation of federal regulations regarding the education of students with disabilities. Furthermore, such actions will strengthen the federal government's efforts to respect and honor the federal trust responsibility for Indian education.

Thank you for the opportunity to share these recommendations. Please inform the Designated Federal Officer, Jennifer Davis ([Jennifer.davis@bie.edu](mailto:Jennifer.davis@bie.edu)) for the Advisory Board if specific content in this letter needs further clarification.

Māēc-wāēwaenen (Thank you),

**Norman Shawanokasic, Board Chair**  
**Dolores Childs-Fullen, Board Secretary**  
**Dr. Harvey Rude, Board Member**  
**Dr. Susan C. Faircloth, Board Member**  
**Adrienne Benally, Board Member**  
**Ronald Worst, Board Member**  
**Dr. Jonathan Stout, Board Member**

**cc:** Betsy DeVos, Secretary of Education  
Tony Dearman, Director, BIE  
Dr. Jeffrey Hamley, Associate Director, BIE

## 2018 Current Advisory Board Members

Member	Representative Category	Term	End Date
<b>Dr. Susan C. Faircloth</b> Fort Collins, CO <a href="mailto:susanfaircloth@gmail.com">susanfaircloth@gmail.com</a>	Service providers	3 years	5/31/2019
<b>Norman Shawanokasic</b> Keshena, WI <a href="mailto:mte_chairman@yahoo.com">mte_chairman@yahoo.com</a>	Representatives of tribes or tribal organizations	3 years	5/31/2019
<b>Adrienne Benally</b> Fort Defiance, AZ <a href="mailto:Adrienne.benally@nnosers.org">Adrienne.benally@nnosers.org</a>	Parents of Children with Disabilities	3 years	12/2/2019
<b>Dr. Harvey Rude</b> Loveland, CO <a href="mailto:Harvey.Rude@unco.edu">Harvey.Rude@unco.edu</a>	Service Provider	2 years	12/2/2019
<b>Ronald Worst</b> Aumsville, OR <a href="mailto:rworst@cascade.k12.or.us">rworst@cascade.k12.or.us</a>	Parents of Children with Disabilities	3 years	12/2/2019
Ten vacant member positions	Vacant	Vacant	Vacant

Updated: 9/24/2018

# ADVISORY BOARD AGENDA

**BIE ADVISORY BOARD FOR EXCEPTIONAL CHILDREN MEETING**  
**1011 INDIAN SCHOOL ROAD, LARGE CONFERENCE ROOM, ALBUQUERQUE, NM 87104**  
**SEPTEMBER 22, 2018**

## **September 22, 2018 (Saturday) - BIE Advisory Meeting**

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8:00 a.m.	Welcome and Introductions	Jennifer Davis, Designated Federal Officer (DFO)
	Call to Order, Roll Call Old Business New Business Begin working on 2018 Annual Report (discuss priorities and recommendations)	Advisory Board
11:30 a.m. to 12:00 p.m. MT	Public Comment (In person or phone) 11:30 a.m. to 12:00 p.m. Mountain Time Call in number: 1-888-417-0376 Passcode number: 1509140	Advisory Board
12:00 p.m. 1:00 p.m.	Lunch (on your own)	
1:00 p.m.	Continue discussions from the morning session and finalize the 2018 Annual Report.	Advisory Board
4:30 p.m.	Closing Prayer & Adjourn	Advisory Board