



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

**Annual Report 2018  
October 1, 2017 – September 30, 2018**

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# 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**

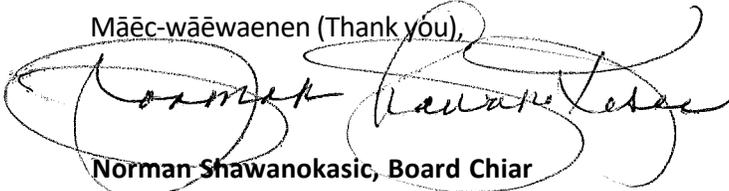
**Justification:** The BIE currently has an increased number of mediations and schools needing substantial improvement. Without appropriate staffing to assist schools in providing services for students with disabilities, the BIE is at risk of being out of compliance with federal requirements regarding 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),

A handwritten signature in black ink, appearing to read "Norman Shawanokasic", written over a circular stamp or seal.

**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

## **Advisory Board Introduction and Background**

The Individuals with Disabilities Education Improvement Act (IDEA, P.L. 108-446) guarantees free and appropriate public education to all children with disabilities in the United States. To guide states and other agencies that deliver special education and related services to children with disabilities, IDEA requires states to establish advisory boards that represent stakeholders, such as educational and program administrators, teachers, individuals with disabilities, and parents of children with disabilities. These advisory boards offer input on priorities and unmet needs within special education.

The Bureau of Indian Education (BIE), an agency within the Department of the Interior, oversees education for American Indian and Alaska Native students. Just as states must establish advisory boards to offer guidance on special education needs, the BIE is required to establish an advisory board for the same purpose. The BIE Advisory Board for Exceptional Children (Advisory Board), authorized by Part B, Section 611(h)(6) of the IDEA Reauthorization of 2004 (the Act, 200 U.S.C. 1400), represents the special education needs of all students with disabilities served by the BIE education system.

Across the United States, there are 184 elementary and secondary BIE schools in 23 states, located on 63 reservations. Tribes and tribal boards under contract or grant with the BIE administer 122 of these schools, and the BIE directly administers the remainder. Currently, the BIE education system serves approximately 49,000 elementary and secondary students; of these students, approximately 6,400 have disabilities.

## **Board Responsibilities**

The Advisory Board's duties, which are solely advisory, are to:

- assist in the coordination of services within the Bureau of Indian Affairs (BIA) and the BIE with other local, state, and federal agencies in the provision of education for infants, toddlers, and children with disabilities;
- advise and assist the Secretary in the performance of the Secretary's responsibilities as described in Section 611(h)(6) of the Act;
- develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations and the elimination of barriers to inter- and intra-agency programs and activities;
- provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention services or educational programming for Indian infants, toddlers, and children with disabilities; and

- provide assistance in the preparation of information required to be submitted under Section 611(h)(6) of the Act.

### **Annual Reporting**

The Advisory Board is required by federal regulation (34 C.F.R.: 300.715) to submit an annual report describing its activities during the preceding year. The annual report identifies specific areas of need that the Advisory Board selected as priorities. The report advises BIE staff, the Secretary of the Interior, and Congress regarding programs, regulations, and policy development that will support and improve the education of American Indian and Alaska Native students with disabilities. This report is submitted in fulfillment of the annual reporting requirement for 2018.

### **Board Membership and Stakeholder Group Representation**

The Advisory Board has 7 members. The Secretary of the Interior selects and appoints members who represent a wide range of stakeholders involved in or concerned with the education and provision of services to American Indian and Alaska Native children with disabilities.

Stakeholder groups include:

- Native American persons with disabilities,
- Native American parents or guardians of children with disabilities,
- teachers of children with disabilities,
- service providers to children with disabilities,
- state and local education officials,
- representatives of tribes or tribal organizations,
- representatives from state interagency coordinating councils in states that contain reservations,
- members representing entities of BIE or BIA.

Advisory Board members are appointed to terms of either 2 or 3 years, so that half of the membership terms expire after 2 years and the terms of the remaining members expire after 3 years. The Secretary of the Interior selects the Advisory Board chairperson. Appendix 1: Advisory Board Members lists all members of the 2017 Advisory Board and indicates which stakeholder category each member represents.

## **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 has assisted the Advisory Board in maintaining compliance with these requirements.

## **2018 Advisory Board Meetings**

The Advisory Board generally meets two to three times per year, as is necessary to complete its work. The Advisory Board met three times in 2018:

- **January 11-12, 2018, Albuquerque, NM**  
The Advisory Board received an update on the BIE's special education programs, the Supplemental Education Program, and the Division of Performance and Accountability. The Board discussed various items for priorities. The Board formed two subcommittees and worked on two priorities.
  1. BIE Recruitment and retention – Dr. Harvey Rude (Lead), Dr. Susan Faircloth and Dr. Jonathan Stout.
  2. BIE Reorganization – Norman Shawanokasic (Lead), Ronald Worst, Adrienne Benally and Delores Fullen.
- **July 25-27, 2018, Albuquerque, NM**  
The Advisory Board received an update on the BIE's special education programs, the Supplemental Education Program, and the Division of Performance and Accountability.
- **September 22, 2018, Albuquerque, NM**  
The Advisory Board developed the 2018 annual report. The Advisory Board developed a Letter of Recommendations to be sent to the Honorable Secretary Ryan Zinke. 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. The Advisory Board would like reassurance that their correspondence is being read and we will receive a response.

## Appendix: Advisory Board Members

Table 1 lists current Advisory Board members.

| Member   | Representative Category                           | Term    | End Date |
|--|---|---------|----------|
| <b>Dr. Jonathan Stout</b><br>Lemont, PA<br><a href="mailto:Woodman340@gmail.com">Woodman340@gmail.com</a>                      | State and local education officials               | 3 years | 9/2018   |
| <b>Dr. Susan C. Faircloth</b><br>Fort Collins, CO<br><a href="mailto:susanfaircloth@gmail.com">susanfaircloth@gmail.com</a>    | Service providers                                 | 3 years | 5/2019   |
| <b>Norman Shawanokasic</b><br>Keshena, WI<br><a href="mailto:mte_chairman@yahoo.com">mte_chairman@yahoo.com</a>                | Representatives of tribes or tribal organizations | 3 years | 5/2019   |
| <b>Adrienne Benally</b><br>Fort Defiance, AZ<br><a href="mailto:Adrienne.benally@nnosers.org">Adrienne.benally@nnosers.org</a> | Parents of Children with Disabilities             | 3 years | 12/2019  |
| <b>Dr. Harvey Rude</b><br>Loveland, CO<br><a href="mailto:Harvey.Rude@unco.edu">Harvey.Rude@unco.edu</a>                       | Service Provider                                  | 2 years | 12/2019  |
| <b>Ronald Worst</b><br>Aumsville, OR<br><a href="mailto:rworst@cascade.k12.or.us">rworst@cascade.k12.or.us</a>                 | Parents of Children with Disabilities             | 3 years | 12/2019  |
| <b>Dolores Childs-Fullen, Secretary</b><br>Chandler, AZ<br><a href="mailto:dgjfullen@aol.com">dgjfullen@aol.com</a>            | Parents of Children with Disabilities             | 3 years | 9/2018   |
| Eight vacant member positions  | Vacant  | Vacant  | Vacant   |