

MINUTES

BIE Advisory Board for Exceptional Children

January 23–24, 2009

National Indian Programs Training Center

1011 Indian School Rd. NW, Room—Albuquerque, NM 87104

Albuquerque Marriott

2101 Louisiana Blvd. NE—Albuquerque, New Mexico 87110

Friday, January 23, 2009

Attendees

Advisory Board

Tom Albano
Sharon Belanger
Josephine Brewer
Arlene Davis (excused 1/23-24)
Dr. Susan Faircloth
Matthew Franklin (absent)
Betty Groos
Dr. Marilyn Johnson, Interim Vice-Chairperson
Dr. Billie Jo Kipp, Interim Chairperson
Dianne T. Owens
Dr. Eugene R. Thompson, Interim Secretary
Dr. Valann Valdason
Brian Wagner

DPA Staff

Sue Bement (1/23-24)
Dr. Jeffrey Hamley (1/23-24)
Stanley Holder (1/23)
Sally Hollow Horn (1/23)
Debbie Lente-Jojola (1/23)
Angela Martinez (1/23)
Laura Tsosie (1/23-24)
Gloria Yepa (1/23-24)
Dr. Fern Diamond

Guests

Christine Begay-Vining, CDD-UNM
John Copenhaver, MPRRC-USU
Dr. Dolly Manson, ANN-BIE
Meg Morrill, MPRRC-USU
Alvino Sandoval, PRO
Ronalda Tome, EPICS

Mr. Stanley Holder opened the Advisory Board meeting with prayer and welcomed the newly seated members, encouraging them to provide direction in bringing about change at the school level. Mr. Holder also introduced Dr. Jeffrey Hamley, who has been Acting Associate Deputy Director since January 5, 2009. The Designated Federal Office (DFO) responsibility would be transferred to him. Dr. Hamley shared his goal—to learn as much as he can, work with the staff in identifying critical issues relative to teachers and students, and build teamwork through leadership skills. He's interested in the Advisory Board's ideas in providing better services to children.

Old Business

Following the introduction of the Advisory Board, the BIE-DPA staff, and Meg Morrill, Dr. Billie Jo Kipp called the meeting to order at 10:35 a.m. She was designated to chair today's meeting since the appointments did not include a President. The following old business items were discussed:

1. A nomination process will commence to fill Twylah Morris' vacancy.
2. The minutes from the Denver July 2007 meeting were reviewed and approved (*motioned: Dianne T. Owens; second: Tom Albano; motion carried 11-0*).

3. Since the Advisory Board's Annual Report for 2007 was not done, the Advisory Board will write a letter stating the Board did not meet in 2007. Copies of the minutes with recommendations will be attached (*motion: Tom Albano; second: Sharon Belanger; motion carried*).

Organization of New Advisory Board

1. Review of Charter—The Secretary of the Interior Dirk Kempthorne signed the charter on January 15, 2009. The charter will expire two years from the date it is filed.
2. Officers—for now, the officers from the previous Advisory Board will remain until further notice.
3. By-Laws—a copy is provided in the resource binder.

Public Comment Session

The Advisory Board conducted a public comment session from 11:30 a.m. to 12:00 noon. The following telephone comments were received:

1. Clarification on revocation of consent—whether parents can decline part of the consent. In addition to OSEP providing a guidance paper, the BIE will also provide language changes in the parent brochures.
2. Clarification on the attendance policy, specifically as it pertains to students out for homebound services or medical issues
3. Timeliness of parent surveys (indicator 8)—whether surveys can be sent out earlier in the school year so there will be enough time to get surveys to parents
4. Whether parent survey information can be collected via teleconference—The BIE encouraged school staff to do whatever is necessary to collect the information as long as confidentiality is maintained.
5. Clarification from BIE (with specific references) on how to count attendance when a student is removed from general attendance due to suspension/expulsion, and options for students expelled and placed in IAES.
6. Provide further training for compliance monitors so concerns (e.g., student transfers) can be addressed properly.
7. Timeliness of SEIMP forms to schools
8. Are we working with two-year-old data? Yes, the data will always be 1–2 years behind.

Dr. Billie Jo Kipp left the meeting, so Dr. Marilyn Johnson was designated to chair this afternoon's meeting.

Annual Orientation of BIE Advisory Board Members

John Copenhaver provided an orientation to the current Advisory Board members on their board roles and focus that included purpose, establishment, membership, demographics, advisory board, functions, procedures, and what they can do. The Advisory Board provided some suggestions including (a) providing a CD presentation for Advisory Board; (b) a link for Advisory Board; (c) designating Gloria Yepa as the DFO; (d) including Matthew Schmeer and/or Gregg Corr (OSEP) in the next Advisory Board teleconference; (e) Advisory Board letter to OSEP regarding regulations; (f) Advisory Board duties on a laminated card; (g) following-up on recommended actions; (h) providing an agenda and materials in advance; (i) providing stakeholder input via teleconference, webex, websites, etc.; and (j) considering future Advisory board meetings at or near schools

Review of the BIE 2008 Annual Performance Report (APR)

Dr. Pat Abeyta, Supervisory Education Research Analyst, provided an overview of the APR (based on SY 2007–2008 data) that will be due to the Office of Special Education Programs (OSEP) by February 2,

2009. The board members examined and listened to the reports on the BIE Annual Performance Report (APR) including the collection and analysis of data from SY 2006–2007. The data that was collected from 175 schools for Part B through the Native American Student Information System (NASIS) identified whether the targets of the BIE SPP indicators were met or not. Although the BIE is moving toward capturing reliable and accurate data, schools need continued technical assistance to ensure accurate data is provided. Through this public input, the stakeholders provided an opportunity to make recommendations for Indicator target changes.

With no additional information, the meeting was recessed (*motion: Dianne T. Owens; second: Sharon Belanger; motion passed*).

Saturday, January 24, 2009

Dr. Billie Jo Kipp called the meeting to order at 8:35 a.m. Twylah Morris will be replaced; the agenda was reviewed and with no conflict of interests, the following were discussed:

BIE Level of Determination/School Level of Determination

Dr. Eugene R. Thompson provided a brief overview of BIE's Level of Determination and the schools' levels of determination. Last July 2008, OSEP's determination of "needs intervention—level 3" for the BIE was the failure of BIE to report valid and reliable data for Indicator 11—child find (reporting the percent of children with parental consent to evaluate, who were evaluated within 60 days). In addition, OSEP also noted a lack of satisfactory progress in implementing its Program Improvement and Accountability Plan (PIAP). In 2007, the BIE received a level 2 determination—needs assistance, based on SY 2005–2006 data. As part of IDEA 2004, the BIE is also required to annually review school special education data, including the progress each school makes on the BIE State Performance Plan (SPP) indicator targets and information obtained through the monitoring process. Last fall, each of the 174 academic schools was assigned a level of determination based on SY 2006–2007 data—meets requirements, needs assistance, needs assistance 2, needs intervention, and needs substantial intervention based on four measures that were used to determine a schools level of determination. Each of the measures included Indicator targets that had to be met appropriate for elementary or high schools. The BIE will be submitting its Annual Performance Report, based on SY 2007–2008 data, by February 2, 2009. Shortly thereafter, OSEP will provide each state, including the BIE, a one-week clarification period to clarify and/or improve their APR. OSEP will base its 2009 determination on the clarified APR. The upcoming BIE Special Education Data Summit during April 28-30, 2009 will provide an opportunity for the Advisory Board to discuss critical special education data issues and provide recommendations on the levels of determination criteria and indicators.

Coordinated Services Plan—Review and Update

John Struck and Marsha LaFollet provided an overview of the draft BIE Special Education Coordination of Services Plan (CSP). It is anticipated that the CSP will be finalized by March 1, 2009. The next steps for the CSP include (a) the Solicitor will provide recommendations and its implications; (b) the Advisory Board review the plan and provide comments to the BIE by February 15, 2009; and (c) the Advisory Board consider the CSP as a priority area with conversation on responsibilities. It was announced that the Chitimacha School (LA) does an excellent job of coordinating service so the Advisory Board could consider meeting there to continue conversation on the plan as well as responsibilities.

Setting Advisory Board Priorities for 2009–2010

Based on the examination, reports, and discussion on the BIE Annual Performance Report, the Advisory Board established the following four priorities on which to focus their attention:

1. Data/Staffing/Correcting Noncompliance/Monitoring Process (Indicators 15, 20)
(Members—Dianne T. Owens (team leader), Valann S. Valdason, Tom Albano, Jody Brewer, Dr. Susan Faircloth, Brian Wagner)
2. Achievement Gap—Professional development—FAPE—Staffing—Parent Involvement—Homelessness (Indicators 1, 2, 3, 5)
(Members—Tom Albano (team leader), Dianne T. Owens, Sharon Belanger, Jody Brewer)
3. Communication—Systems (Indicators 1, 3)
(Dr. Marilyn Johnson (team leader), Dianne T. Owens, Brian Wagner, Arlene Davis, Matthew Franklin)
4. Transition(Secondary/Post-Secondary)—Homelessness—Coordination of services (Indicators 13, 14)
(Dr. Billie Jo Kipp (team leader), Betty Groos, Dr. Eugene R. Thompson)

Within the coming few weeks, each priority workgroup will develop, on template, the justification, priority goal, activities to reach goal, evaluation, and advice to the BIE which will be shared at the next meeting.

Due Process

Gloria Yepa provided a brief overview of the due process requests. As of January 23, 2009, one complaint was settled in resolution, there were no mediations, and one due process hearing was settled prior to completion of the hearing. The primary issues are Free and Appropriate Public Education (FAPE).

Special Education Integrated Monitoring Process (SEIMP)

Dr. Fern Diamond provided a brief overview of the SEIMP, which continues to be implemented for SY 2008–2009. The compliance monitoring instrument (formerly 2nd tier) will be updated and used this spring. FAPE noncompliance issues will be corrected within 45-days of identification, and non-FAPE issues will be corrected as soon as possible and no later than within one year. The ELO needs to be involved as the chair of the local school performance plan (LSPP). Additional targeted technical assistance to the schools will be conducted via WebEx online trainings, teleconferences, and off- and on-site school visits.

Announcements and Updates

1. BIE Special Education Data Summit, April 28–30, 2008, Albuquerque, NM
2. BIE Special Education Academy, September 15–17, site to be determined

BIE Advisory Board—Advice and Recommendations to the BIE

1. Improve data collection and analysis and monitoring of progress (*motion: Dianne T. Owens; second: Tom Albano; motion passed*).
2. Streamline the contracting process with the acquisitions office that will improve the timely approval of contracts provision of services to schools and students (*motion: Sharon Belanger; second: Brian Wagner; motion passed*).
3. Develop a communication plan at all levels of the BIE organization that will increase and strengthen communication to help improve services to students (*motion: Dr. Valann Valdason; motion: Dianne T. Owens; motion passed*).

4. Extend professional development and training on special education to general education personnel (*motion: Tom Albano; second: Sharon Belanger; motion passed*).
5. Develop written guidance for the schools that will address attendance, NASIS, ISEP, and related issues responding to public comment (*motion: Sharon Belanger; second: Tom Albano; motion passed*).
6. Designate a consistent individual to serve as the Advisory Board's Designated Federal Official (DFO).
7. Identify other methods to send surveys in collecting the data (e.g., sending surveys to the school principal, etc.)

Finally, the Advisory Board acknowledged and appreciated the willingness of Gloria Yepa, Supervisory Education Specialist—Special Education, in working with the BIE Advisory Board for Exceptional Children.

Next Meeting

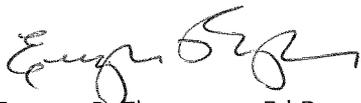
The next Advisory Board meeting was scheduled for April 30 through May 2, 2009, in Albuquerque, New Mexico. The data/communication work group will attend and participate in the BIE Special Education Data Summit on April 28–30, 2009, and the rest of the members will join on April 30 (*motion: Sharon Belanger; second: Dianne T. Owens; motion passed*).

Other

1. The executive committee from the previous advisory board will remain in effect until further notice is received from the Secretary of Interior.
2. Charter—continued review from yesterday. The by-laws mimic the charter. The by-laws should be approved annually. Approve by-laws at next Advisory Board meeting.
3. Provide Advisory Board meeting materials in advance.

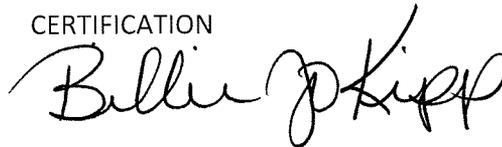
With no further agenda items, the Advisory Board meeting adjourned at 4:00 p.m. (*motion: Tom Albano; second: Brian Wagner; motion passed*).

Respectfully submitted,



Eugene R. Thompson, Ed.D.
Advisory Board Interim Secretary

CERTIFICATION



Billie Jo Kipp, Ph.D.
Advisory Board Interim President