

Minutes
BIE Advisory Board for Exceptional Children Meeting
January 11–12, 2010
BIE Offices, Albuquerque, New Mexico

January 11, 2010

Attendees

Advisory Board

Tom Albano
Sharon Belanger
Josephine Brewer
Arlene Davis
Dr. Susan Faircloth (excused 01/11-12)
Matthew Franklin (excused 01/11-12)
Betty Groos (excused 01/11-12)
Dr. Marilyn Johnson
Dr. Billie Jo Kipp
Dianne T. Owens
Dr. Jonathan E. Stout
Dr. Eugene R. Thompson
Dr. Valann Valdason
Brian Wagner (excused 01/11-12)
Judy Wiley

DPA Staff

Sue Bement (DFO)
Gloria Yepa
Katherine Campbell
Rachael Lujan
Laura N. Tsosie
Donald R Griffin
Sally Hollow Horn
Dr. Fern Diamond

Guests

Gwen Jacquy
Ronalda Tome
Denise Salyers
Dr. Patricia Abeyta
Jack Edmo
John Copenhaver, TAESE
Megan Morrill, TAESE

Welcome, Prayer, and Introduction

The Bureau of Indian Education (BIE) Advisory Board for Exceptional Children meeting was called to order at 8:30 a.m. by Dr. Billie Jo Kipp, President. Sue Bement served as the Designated Federal Official (DFO) for today's meeting. Dr. Kipp conducted roll call—Advisory Board members and guests introduced themselves. Judy Wiley provided the opening prayer.

Old Business

1. Agenda—One change to agenda. Today from 1:00–3:00pm, the Sky City School will not be attending. Instead, it is proposed that next year's charter be discussed and that John co-facilitate developing priorities for 2010. No further conflicts/changes with agenda.
2. Minutes—The November 2009 minutes from Miccosukee, Florida were reviewed and the necessary changes are as follows.
 - a. Page 2, under Advisory Board Ethics training section: delete the "s" in "meetings."
 - b. Page 3, under BIE Special Education Director's Report, last paragraph: 2009 instead of 2010.
 - c. Page 5, under Setting Advisory Board Priorities: #5 spell out State Professional Development Grants (SPDG).

The November 2009 minutes from Miccosukee, Florida, were accepted (*motion to approve with changes: Valann Valdason; second: Sharon Belanger; motion passed*). An abstention (*Arlene Davis*) was not counted—it was passed by majority.

Discussion Regarding 2010 Officers and Nominations

Board members discussed Advisory Board leadership and the responsibilities associated with the positions of Chairperson, Vice Chairperson, and Secretary.

The question was raised if it is acceptable for those officers to have executive meetings? It was decided that they could meet. In the past, there have been times an executive group has met to finish the Annual Report or work on emerging issues. However, instead of using the term “executive committee,” it should be termed a “work group” or “subgroup.” It was suggested that this issue for the executive group to meet be included in by-laws and charter.

Dr. Kipp opened the floor for nominations for Secretary. Tom Albano nominated Dr. Eugene Thompson. No other nominations were made. Majority passes. Dr. Eugene Thompson was voted as Secretary for BIE Special Education Advisory Board. Dr. Kipp opened the floor for nominations for Vice Chairperson. Dr. Marilyn Johnson nominated Dr. Jonathan Stout. Tom Albano nominated Dr. Marilyn Johnson. Dr. Johnson declined the nomination, stating that it could be potentially beneficial for the Board to have a new Vice Chairperson. Dr. Kipp nominated Tom Albano. Four voted in favor of Dr. Jonathan Stout. Six voted for Tom Albano as Vice Chair. Dr. Kipp, appointed by the Department of Interior Secretary remains the Chair; her appointment lasts 2 years.

Chairperson: Dr. Billie Jo Kipp
Vice Chairperson: Tom Albano
Secretary: Dr. Eugene Thompson

Special Education Director’s Report

Ms. Gloria Yepa, Supervisory Education Specialist—Special Education provided the following information.

Progress is being made on areas that were identified for substantial improvement and is ongoing.

The Board discussed the Native American Student Information System (NASIS), which Ms. Yepa stated would assist BIE with data analysis. The question was raised: are all aspects of NASIS required? Ms. Yepa answered that all parts, even the forms, have been made mandatory for the schools. Arlene Davis observed that schools are not using NASIS to its potential because they’re not entering the information. Sharon Belanger expressed the need for more training—the next level of training to use NASIS to its full potential.

Tom Albano posed a question about who has access to information in NASIS (privacy issues)? Ms. Yepa stated that the school administrator controls who can see information. The BIE knows who is and is not using NASIS.

The Advisory Board requested Denise Salyers discuss NASIS assets/liabilities further with the Board. Denise Salyers was scheduled to do so at 1:00 pm today.

Tom Albano suggested that the Board make a recommendation to see which schools are not using NASIS to its potential, and then do follow-up and find out why they are not using it—get feedback, perhaps a formal survey.

Ms. Yepa stated that the BIE will be beginning work on the Fiscal Accountability issue. Students with disabilities need to receive the services they're entitled to through IDEA. Need to ensure funds being generated to the BIE are being used appropriately. The BIE has yet to visit schools and look at paperwork and justifications for using "Part B" dollars on various expenses.

Ms. Yepa also stated that the formula for Part B funding is based on need, on a weighted system of disability categories. It was suggested that the formula needs to change for some schools that are not getting enough funding to provide services for its students. However, the formula works fine for other schools. Ms. Yepa stated that there was no forth-coming action on formula.

Presentation by Sally Hollow Horn and Ed O'Leary

The purpose for the BIE Advisory Board is to review the Annual Performance Report and provide suggestions regarding the report.

John Copenhagen introduced Ed O'Leary, who joined the meeting via conference call. Ed works with Technical Assistance for Excellence in Special Education (TAESE) and Mountain Plains Regional Resource Center (MPRRC) and is the foremost expert in the country on Secondary Transition and Postsecondary Transition. Sally Hollow Horn co-presented with Mr. O'Leary.

Sally stated that the Board has done well with Transition thus far. Four or five schools keep coming up as problematic on Indicators 13 (secondary transition) and 14 (secondary transition/post school outcomes), but overall, the percentages looked high.

Mr. O'Leary went through the Indicator 13 handout that was supplied to Board members. The handout covers the changes (history of revisions), new requirements, and new timelines of Indicator 13. The BIE data for Indicator 13 has been phenomenal—higher than the vast majority of States.

Draft Transition questions were provided. Mr. O'Leary suggested revisions to these questions. Mr. O'Leary is also concerned with the age of beginning transition services being raised from 14 to 16. He believes we're losing too many students by that time and stated it was critical to lobby for IDEA to go back to the age of 14, ideally 12.

Mr. O'Leary encouraged the Board to support the training of teachers on how to actively engage students. IDEA requires every student of transition age must be invited to IEP meeting: however, there is no requirement that student attend/participate. It's important to actively engage the student in the discussion at IEP—to go beyond just inviting them to the meeting.

Arlene Davis brought up the issue of students exiting themselves when they turn 18. Issue is that we're not educating them about their disabilities. All students who had been on IEPs are going to need accommodations to be successful. However, very few self-identify because they don't understand their disability and are embarrassed by the stigma of it. This is why the student needs to be involved in the IEP: so they can self-identify and self-advocate when they leave the system. Mr. O'Leary emphasized the importance of this being not only a change of practice, but a change of attitude.

Public Comment

A public comment session was conducted from 1:30 to 2:00 p.m. Two different BIE schools participated in the public comment session.

Dr. Kipp raised the question: What can be done to get more public comment and make them aware of the Advisory Board's mission? Administrators are getting the announcement, but it won't do any good if it doesn't get to the coordinators themselves.

Denise Salyers—NASIS

Ms. Denise Salyers reviewed the purpose, functions, and advantages of the NASIS system and addressed issues of privacy and security. The government ensures that NASIS complies with the National Institute of Standards and Technology (NIST) rules. Measures are taken to ensure everyone from the top down has been through security requirements (background checks, certificate, etc). Ms. Salyers discussed safeguards to manage levels of access to information. The Advisory Board reviewed example information from the database.

Advisory Board Charter and By-Laws

The Board must have a new Charter by February of 2011. The final version needs to be sent in by September. The Board reviewed and revised the draft. Sue Bement will rework the following issue:

- Page 2, #6—Needs to be more specific regarding what the Board reports to the Assistant Secretary. The Board will send minutes with recommendations and a formal cover letter after each meeting. Dr. Eugene Thompson is responsible for sending the information.

Sue Bement will find out if charter can be extended to a longer time period.

Amendments needed to the by-laws:

- Replace the "Membership and Tenure" paragraph with the one found on page 14.
- Delete the line "(50% or more)" under the "Membership Demographics" paragraph.
- The word "committees" should read "groups."

John will make these changes and get a copy to Dr. Kipp and Sue Bement, and it will be acted on at the next Board meeting.

Other

The calendar year for the Board begins in November. The Board decided to send a letter to those who have missed two or more meetings during the Board year.

A letter will be sent letter to Miccosukee, acknowledging their support and the Board's appreciation for last meeting.

Advice and Recommendations for Reauthorization of IDEA/NCLB and ESEA

Dr. Jeffrey Hamley invited the Board's input and ideas on special education into IDEA/NCLB and also Elementary Secondary Education Act (ESEA). Letters should be sent to both Dr. Hamley and the Department of Education. Decided the Board will discuss more in depth tomorrow, develop rough draft, and subgroup can finalize. Tomorrow at 2–2:45, will create subgroup to finalize document. Dr. Kipp thanked Dr. Hamley for including the Advisory Board in the process.

Dr. Patricia Abeyta—BIE Annual Performance Report

The APR for FFY 2008, based on data year 2008-2009, needs to be developed and sent to Office of Special Education Program (OSEP) by February 1, 2010; should have a new SPP online by then. Dr. Abeyta went through the APR and data (specific facts and figures) related to each Indicator. The Advisory Board was able to get a general overview; however, the document is still in progress.

With no additional business items for the day, the meeting recessed. (*motion: Tom Albano; second: Sharon Belanger; motion passed*).

January 12, 2009

Dr. Billie Jo Kipp, President, reconvened the Advisory Board meeting at 8:30 a.m. Ms. Sue Bement was the DFO for today's meeting. Dr. Kipp conducted the welcome, Board roll call, and introduction of guests.

Dr. Kipp expressed concern about the continued lack of communication with BIE and proper use of the Advisory Board.

Dr. Kipp will ask for agenda items at the end of each meeting. The Advisory Board should let Dr. Kipp and Sue Bement know if they are not attending a Board meeting. The Executive subgroup will develop and approve the agenda for each Board meeting. The agenda needs to be developed shortly after a Board meeting is completed. The Board wants to be utilized in a meaningful manner by the BIE.

Positive Behavior Programs—Jack Edmo

Dr. Marilyn Johnson recommended the Board look at other positive behavior programs that are available. Ms. Yepa indicated the Board's first job is to look at the programs and offer them to schools that may need those positive behavior programs that may be effective for them. After that, need to have a 3-tier intervention model. Then make recommendations about what needs to happen to students who do not respond to that kind of program. Dr. Kipp stated that the goal is not to micromanage, but how the Advisory Board can best provide guidance/recommendations/advice. Ms. Yepa also stated the need to look at these programs and see how effective they are with Native populations.

Dr. Kipp suggested that Jack Edmo be brought in to discuss the issue. Jack Edmo joined the meeting and discussed his program, which uses data to provide services for the schools. It's up to the school administrators to develop the team, so special education can be involved that way.

The Board suggested the need to request additional information/data. Need to look at alternatives to suspension/expulsions by looking at behavior intervention plans. If the numbers aren't going down, look at what's not working and adjust the plan.

Dr. Patricia Abeyta and Don Griffin—BIE Annual Performance Report FFY 2008 (continued)

Pat continued to review specific facts and figures from the APR, based on 2008-2009 data year.

Parent Surveys

Parent Involvement has been a Board priority for several years.

Are there other States using a modified version of the parent survey that's not so long/complicated? Nebraska and North Dakota use modified versions. John Copenhaver will check with Bob Rutten in North Dakota to find out if the North Dakota survey is valid and reliable and has Office of Management and Budget (OMB) clearance. Then the parent involvement group could set up a conference call with North Dakota to discuss the process. It was suggested that the Board incorporate these suggestions into the APR to give them leverage to implement it. This North Dakota survey can be used as a model to create something better while still meeting the needs of the parents and remaining statistically sound. Katherine Campbell will be the contact for the subgroup on this topic.

After looking at the language of the survey, then what? There is a disconnect between parents filling out surveys and actually being involved. Judy Wiley offered her services/ideas as she is involved in getting information from parents with Parent and Training Information Centers (PTIC). Parent survey gathers information and becomes a point of contact for developing and understanding the student's disability and building a relationship with the parent.

John reviewed materials in the Board meeting packet.

Draft of Advisory Board's Priorities for 2011

Will finalize priorities on a conference call on January 22 when all Board members can be present. Discuss subgroups.

1. Bridging Achievement Gap—12 votes
2. Severe behavior problems, including expulsions/suspensions, strategies for general education teachers—10 votes
3. Meaningful Parent Involvement (and Training)—procedural safeguards, dispute resolution De-stigmatizing special education—8 votes
4. Data/Communication?—7 votes
5. Recruitment/Retention of highly qualified teachers/staff, mentoring—7 votes
6. Residential Education Placement Program (REPP)/Juvenile Detention Centers (JDCs)—4 votes

It was suggested that the Board provide a workshop at the BIE Special Education Academy to create awareness of the Board's mission, priorities, initiatives, and what it hopes to accomplish.

Next Board Meeting

1. Agenda items—suggestions
 - a. Positive Behavior models

- b. Board priorities
 - c. Follow-up on North Dakota parent survey
 - d. Special Education Director's Report
 - e. Board Charter and By-Laws finalized
 - f. Time to work as subgroups
 - g. Special Education Academy presentation
2. Dates—First week of May 3–4 or 6–7. The school that the Board visits will decide which date is best. Sue Bement will check with Maine.
 3. Suggested Venues—
 - 1st: Maine (fly into Bangor)—Sue Bement will make contact with the school(s) in Maine.
 - 2nd: Chemawa (Portland)
 - (Fall meeting: North Dakota—Turtle Mountain)

Dr. Kipp was excused from remainder of the meeting due to illness. Tom Albano reconvened the meeting after lunch.

Decided conference call will be held on January 22, 2010, at 10:00 (MST). Will send e-mail to whole Board about attending the call and the subgroups. Will establish subgroups and chairs for those groups.

Every individual Board member is responsible to turn in the agenda and/or Board minutes to their supervisors as necessary.

Director's Report

Area of need that Gloria Yepa and her staff have been working on:

- Finalizing special education policies and procedures.
- Meeting with the BIE Administration to work on how they are going to monitor schools on fiscal accountability.
- Need improve area of sanctions/enforcement. What happens when schools don't enter the data?
- Professional development and targeted technical assistance. Sending written guidance into the field.
- Annual Performance Report

Tom Albano: Part B funds formula. How is it established/implemented, how does it impact schools? Can the formula be changed? Gloria Yepa: Create a sequence of events to see how money has been

distributed over a time period. Hear from schools: how it has impacted them? Put this issue on the agenda for next meeting.

Discussed the need for administrator training—principals, Education Line Officers, etc.

Advice and Recommendations for Reauthorization of IDEA/NCLB

Discussed the difference between NCLB (greater accountability, making AYP in all categories, allows States to determine curriculum and assessment) and IDEA.

Want to include in recommendations:

1. Importance of tribes maintaining autonomy. Allow clause to remain that schools have ability to do their own curriculum/assessments.
2. AYP based on growth model
3. Recommend they revisit/eliminate the 100% proficiency 2013–14.
4. Do away with the 1%. Allow greater autonomy at a local level to determine which students take standardized vs. alternative assessment. The school/local/parents know the students best.
5. Transition age—change from age 16 to 14.
6. A section in IDEA and NCLB that can bring together non-State areas
7. BIE should be recognized as an eligible applicant for State Personnel Development Grants (SPDG).
8. Special education students that successfully graduate in more than four years should be included in special education graduation statistics/rates. They are currently not included if they take more than four years.

The Board discussed whether they should be legally required to do a Coordinated Service Plan. Decided to keep it as is.

BIE Announcements and Updates

1. The Council for Exceptional Children Conference is April 21–24 in Nashville.
2. The BIE Special Education Academy is on September 14–16, 2010. The site is still to be determined. There is a planning meeting tomorrow 10 am to noon. They are reviewing venue proposals and will have a site selection soon. They are also creating planning committee and Dr. Eugene Thompson extended an invitation to Board members to join. They are still working on getting approval for the meeting.
3. Data Summit will be held April 27–29, 2010 in Albuquerque, New Mexico. No more than 30 people.

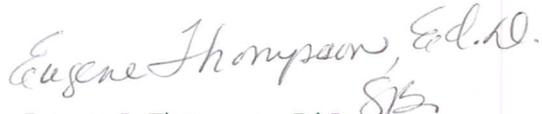
Action Items

1. Arlene Davis proposed a school principal training. Recommends administration training every year as a basis for special education. As a group, the Board recommended that the Bureau (Gloria Yepa and staff) look into it. (*motion: Arlene Davis; second: Dianne T. Owens; motion passed*).
2. Board tabled the item regarding modifying the survey until John Copenhaver finds out if the North Dakota survey is approved. Item is on the agenda for next meeting.

With no further business items, the meeting adjourned at 3:20 p.m. (*motion: Dianne T. Owens; second: Dr. Marilyn Johnson; motion passed*).

Dr. Eugene Thompson provided the closing prayer.

Respectfully Submitted,



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

CERTIFICATION



Billie Jo Kipp, Ph.D.
Advisory Board President