

**BIE Advisory Board for Exceptional Children**

Meeting Minutes

Albuquerque, NM

June 3 & 4, 2012

**June 3, 2012**

**Welcome** Sue Bement, Designated Federal Officer

**Introductions**

<b>Members Present</b>	<b>Member Absent</b>
Dr. Jonathan Stout	Dr. Susan Faircloth
Dr. Juan Portley	Arlene Davis
Dr. Rose Dugi (arrived at 10:30am, flight delay)	
Luvette Russell	
Beth Tepper	
Judy Wiley	
Brian Wagner	
Paula Seanez	
Dr. Marilyn Johnson	
Dr. Billie Jo Kipp	
Sergio Maldonado Norman Shawanokasic	
Dolores Childs-Fullen DFO: Sue Bement	
Norman Shawanokasic	
Consultant: Wayne Ball	<u>Guests:</u> Borrego Pass
Gloria Yepa, Lead Education Specialist	Clara Garcia, SPED Coordinator
	Fernie Yazzie, Board President
	Edmund Lano, Board President
	Louise Long, Board Member

**Prayer** Sergio Maldonado

**Call to order** Dr. Jonathan Stout: 8:30am

1. Dr. Stout reviewed today's meeting agenda: Priority Group Work.
2. Guests (i.e. Borrego Pass ) were informed that the agenda for tomorrow might better serve their needs.

**Old Business**

- Letter of Support

**New Business**

- Waiver
- Concerns

**Report on Data Summit**

**Priority Work Group: (3) professional groups in Transition, Relationship with Tribes, and Achievement Gap.**

Each board member participates in a group in discussing and formulating goals and activities within an appropriate timeline of completion. Plans and/or reports will include goals, activities, timeline, evaluation and recommendations made available to the BIE. Priority work groups will submit their reports to the Chairman by August 31, 2012.

**Priority Areas:**

<b>Transition</b>	<b>Relationship w/Tribes</b>	<b>Achievement Gap</b>
Dr. Juan Portley	Sergio Maldonado	Dr. Rose Dugi
Dr. Marilyn Johnson	Norman Shawanokasic	Luvette Russell
Dr. Billie Jo Kipp	Paula Seanez	Dr. Jonathon Stout
Beth Tepper	Judy Wiley	Delores Childs-Fullen
Brian Wagner	Arlene Davis	Dr. Susan Faircloth

**Lunch** (On your own.)

**Priority Group Work** (continued) Individual groups returned to Board for discussion and input on group plans.

**Recess for the Day.**

**Dr. Marilyn Johnson moved to recess until 8am tomorrow (June 4, 2012). Dr. Juan Portley seconded the motion. Motion passed unanimously.**

## BIE Advisory Board for Exceptional Children

Meeting Minutes

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### June 4, 2012

Meeting resumed at 8:30am.

#### Introductions

Members Present	Member Absent
Dr. Jonathan Stout	Dr. Susan Faircloth
Dr. Juan Portley	Arlene Davis
Dr. Rose Dugi	
Luvette Russell	
Beth Tepper	
Judy Wiley	
Brian Wagner	
Paula Seanez	
Dr. Marilyn Johnson	
Dr. Billie Jo Kipp	
Sergio Maldonado	
Norman Shawanokasic	
Dolores Childs-Fullen	
DFO: Sue Bement	<u>Guests:</u> Borrego Pass
Consultant: Wayne Ball	Clara Garcia, SPED Coordinator
	Fernie Yazzie, Board President
	Edmund Lano, Board President
	Louise Long, Board Member

### **BIE DPA, Special Education Report** – Gloria Yepa, Supervisor Education Specialist

Updates:

- *Special Education Presentations at the BIE Summer Institute include:*
    - Dispute resolution workshop
    - Clayton small presentation on 3 tiered behavior
    - Dropout Prevention
  - *Special Education Academy*
    - Canceled for Fall 2012. DPA staff is currently working to obtain approval for the 2013 Special Education Academy.
  - *SPED BIE Webinars.*
    - Low attendance
    - Suggested to get Key Presenters and/or Professionals in these areas of discussion.
1. Special Education Integrated Monitoring Process (SEIMP):
    - a. School monitoring visits 1/3 completed; another 1/3 will be done this upcoming SY. Letters regarding school visits have already been sent.
    - b. Desk audit to be done to meet 60 day timeframe.
    - c. Previous performance report indicated rate was at 94% compared to last year of 96%.

## 2. Indicator 13

- a. Evidence of transition plans for students 16 years and older.
- b. Data is reviewed using the NASIS tool to determine compliance.
- c. Out of Compliance
  - i. Three schools are not currently using NASIS. Reasons include: (a) one tribe does not want to use it, (b) one school uses the state's system of NASIS, (c) concern about the security of the data.

## 3. Non-compliance

- a. The use of the ISEP review.
- b. Any occurrence of noncompliance is reported to BIE and DPA.
- c. Schools are given the opportunity to make corrections within 30 days.

## 4. Fiscal Accountability

- a. Schools report funding using the FASA forms.
- b. Deadline for submission for Part B assurances was April 2.
- c. Deadline for submission of Part B Spending Plan with review by their respective Boards is November 15.
  - i. Schools can use Part B funds for early intervening services (schools can use up to 15% of the school year's Part B funds.).
  - ii. A letter from OSEP must accompany the request stating compliance of CEIS.
  - iii. Criteria for these funding states that no student who is considered to be in Special Education can receive services under CEIS. This funding/services are for early intervention to General Education students prior to Special Education referral.

## 5. State Complaints and Corrections

- a. Improvement, correction and sanctions.
  - i. School are given 1 year for making corrections, unfortunately 4 schools are not making corrections within this 1 year requirement.
  - ii. The process includes the following with notification to the ELO office.
    1. Technical assistance must be provided.
    2. It is part of IDEA to agree to the assurances including appropriate use of funds.
  - iii. As a result of not making the appropriate corrections a parent complaint was filed at one of the schools.
- b. Due Process.
  - i. A current and updated due process procedure is in place.
    1. Eight due process requests have been made, which is an increase from 4 in past years.
  - ii. Board was informed that EPICS (a parent training center) has developed the procedural safeguards in the Navajo language.
- c. Targeted Technical Assistance and Professional Development

A contract was awarded through the contracting office, which took great effort and perseverance to get it approved.
- d. Policies and Procedures.
  - i. Attempts have been made to have reviewed and approved.
  - ii. A scheduled conference call will determine what the next step will be.
  - iii. The development of a Guidance Manual or a generic document that can be

used with periodic supplements has been suggested.

e. Data on Processes and Results.

The Special Education Unit works closely with the Data Management unit to get data that will be included in the APR including suspensions and expulsions.

**BIE DPA Report** – Stanley Holder, Acting Assistant Deputy Director

Budget:

1. Cut projected at 5-7%, however we will plan for 10%.
2. The president listens to NCAI and NIEA and tribal leaders. Input makes it way to OMB and to Congress, so please use these tools to share your concern.
3. Mr. Holder requested feedback and a letter from the BIE board to be direct in our statement so that our direction would not be misinterpreted.
4. Administration Changes  
Tribal Consultation has been held throughout country, but no final decision or actions have been taken at this time. It is unclear at this time how the reorganization will affect the ELOs, ADDs or DPA.
5. Priority for the board is to advocate for Budgets, as BIE serves children who are all a minority and the majority are poor.

Limited English Proficiency (LEP) and English Language Learners (ELL)

1. Included in the Flexibility Waiver with Special Education staff input.
  - a. Concern: We acknowledge that our parents were the second generation taken to boarding schools. At school, our parents were forbidden and punished for speaking their languages.
  - b. Solution: The development of immersion programs could reduce the over identification of LEP and/or ELL students as children with a disability.
  - c. Solution: Assessment that measures and identifies obstacles and monitor progress.

Dropout Prevention Initiative

Key to dropout prevention is identifying the red flags that may signal a potential dropout and the factor contributing to rise in dropout and working with the student.

Compliance

1. Mr. Holder acknowledged Gloria Yepa on her efforts for meeting compliance. She reviews the PIAP reports and provides technical assistance.

Questions and Concerns

1. Board input on the waiver- If you have comments in detail, please send them to Dr. Hamley.
2. Assessment process: What is BIE using? What are the outcomes?
3. Where are we with the complaint procedures and especially with the contract process?

## **Residential Education Placement Program (REPP) Update – Fern Diamond,** Education Program Specialist

### Key Points:

1. In order for students to be funded under part B they have to be in the NASIS system.
2. 32 students are receiving (REPP) services.
3. There needs to be an administrative person on the IEP from the school.

### Questions and Concerns.

1. What is meant by the 'transfer', is it physical or on paper?
2. Schools need to provide case management.
3. Is there a challenge with the contractual process, when there is a 'blackout' period?
4. I'm looking at Wingate HS and it's a red flag to see this many students.
5. (Is there a need to develop) two IEPs - the program IEP and the BIE IEP?  
*Response:* Schools are being required to use the NASIS IEP because students placed by a BIE funded school are BIE students. NASIS is used to review students' IEPs and DPA staff also uses NASIS to monitor student service, IDEA compliance and to generate data reports. Gloria encouraged any additional concerns about this issue be put into writing for her formal response.

### **Lunch**

### **Public Comment**

Borrego Pass School – Edmund Lano, Board President and Mrs. Garcia, Special/General Ed Teacher

- Mr. Lano is concerned that the care coordinator positions will be eliminated leaving related services. Mr. Lano requested BIE Board support in addressing position cuts.
- Mrs. Garcia voiced her concern that the money paid into the CAU will not cover local positions previously included the CAU.

### Board response

- BIE funded schools are expected to use 15% of their Base ISEP funds for special education services. In a review of services that are being provided through the CAU, it was determined that the CAU is providing services beyond the related services.
- Gloria Yepa: Offered to meet with the Borrego School Board members to explain the situation.

## **Office of Special Education Programs (OSEP) Sanctions, Update and New Indicators – Wayne Ball, MPRRC**

### Handouts:

1. Results-driven accountability in Special Education
2. Getting to Results-driven Accountability – Questions and Answers
3. Questions for Stakeholder Input Calls

### Report:

1. The DAC (Data Accountability Center) has been working closely with Gloria and will no longer exist after September 30, 2012.
2. Clarification on APR that it refers to educational results – reading, math, preparedness for after school skills.
3. Level of Determination is being discussed.

### Questions and Concerns

1. Need for teacher evaluations for teacher performance.
2. Information for reports are submitted and are used as a basis for level of determination.
3. Learning styles of Indian children.
4. Compliance vs Results

**Motion: Brian Wagner moved that all board members submit questions for stakeholder input calls to the Advisory Board chairman by June 11, 2012. Dr. Rose Dugi: seconded the motion. Motion passed unanimously.**

**Motion: Dr. Billie Jo Kipp moved that Dr. Rose Dugi be the Secretary for the Advisory Board. Paula Seanez seconded the motion. Motion passed unanimously.**

### **Next Meeting**

Recommendations:

1. School visit– Fall 2012  
Schools up for discussion were: Santa Rosa Boarding School, Santa Rosa Ranch School, Tohono O'dham School, Rock Point Community School, Quileute Tribal School, Wind River, and Haskell Indian Nations University.
2. Washington DC– Spring 2013

**Norman moved to have board meeting in Quileute on 9/21 & 22/12. Dr. Billie Jo Kipp seconded the motion. Motion passed unanimously.**

### **Priority Group Work**

1. Plans of each group to be submitted.
2. Group conference calls, contact Sue.

### Announcements

1. Parent Training Group in August: See website for call for proposals [www.nipic.org](http://www.nipic.org)
2. AIHEC: October 7, 2012 in Washington, DC
3. CANAR: June 17-20, 2012. Niagara falls, NY, See website [www.canar.org](http://www.canar.org)
4. Resource: *Accommodating differences among English Language Learners*: 75 literacy lessons by Julie Jacobson, Diane Lapp, and Maria Mendez

### **Closing Prayer**

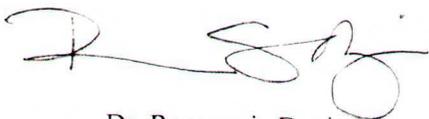
Sergio Maldonado

### **Adjournment**

**Norman Shawanokasic moved to adjourn the meeting. Dr. Billie Jo Kipp seconded the motion. Motion passed unanimously.**

Meeting adjourned @ 3:20pm.

Respectfully,



Dr. Rosemarie Dugi  
Secretary

CERTIFICATION,



Dr. Jonathan Stout  
President