


**ANNUAL
REPORT
2012**

*Bureau of Indian Education
National Advisory Board
for Exceptional Children*

November 2012

Dear Colleagues,

It has been a pleasure to serve as Chairman of the Bureau of Indian Education National Advisory Board for Exceptional Children for the 2011- 2012 school year. I want to stress appreciation to the Advisory Board members. Their investment, insight, comments and questions have led to in-depth conversations about important topics that impact Indian country and the education of Indian children with disabilities.

The Board held three meetings this school year on a variety of topics that were significant to the education of Indian Children with disabilities. The meetings were held in Albuquerque, New Mexico and Washington DC. Some topics are of long standing interest and others are newly identified. Some of the topics that the board covered this year were:

- Juvenile Justice System and the large population of Indian youth with special education needs. A concern regarding the unfunded mandate in this area was discussed.
- The absence of Special Education Policy and Procedures.
- Fiscal Accountability – Fiscal Accountability Self-Assessment (FASA) the FASA is used to determine if schools are using Part B funds appropriately.
- BIE Flexibility Waiver/Request
- Residential Educational Placement Program (REPP)
- Dropout Prevention
- Improvement of the current Level of Determination, given by the Department of Education

Thank you for this opportunity to better the education of the students served by the BIE.

Sincerely,
Jonathan Stout Ph.D., Chair
Asst. Professor of Special Education
Department of Special Education
Lock Haven University

Bureau of Indian Education
Advisory Board for Exceptional Children

ANNUAL REPORT 2012

October 1, 2011 to September 30, 2012

HISTORY OF THE BOARD

The Board has 15 members. Eight members were appointed by the current Secretary of the Interior, Ken Salazar, with the others being appointed by former Secretary Dirk Kempthorne. Members serve a two or three year term. Secretary Salazar appointed Dr. Jonathan Stout as Chairperson of the Advisory Board. The Board is statutorily mandated and is expected to continue for the lifetime of the legislation, Section 612(a) (21). The Board is subject to the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C., App. It is anticipated that the current Charter will be renewed on February 11, 2013. The Board is officially designated as the Bureau of Indian Education Advisory Board for Exceptional Children through the Charter.

The Board assists the Secretary of the Interior in performing duties under the Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446, by advising the Secretary of the Interior on the needs of Indian children with disabilities. Board members serve without compensation, but are reimbursed for their travel and per diem expenses while on Board business.

SCHEDULE OF MEETINGS

The following Board meetings were held this year:

March 29-30, 2012	Albuquerque, New Mexico	Full Board meeting
June 3-4, 2012	Albuquerque, New Mexico	Full Board meeting
September 27-28, 2012	Washington, D.C.	Full Board meeting

In accordance with the By-Laws and Operating Procedures, meetings are held at least two times per year. Additional meetings are held as necessary. All meetings are posted in the Federal Register at least 15 days prior to the scheduled meeting. The Federal Register notices include

the agenda, time, and place of the meetings, as well as, notice of public comment for those who wish to submit comments or concerns to the Board. Announcement flyers are faxed to all BIE schools; including contract and grant schools, for posting and distribution. Meetings are conducted in facilities that are accessible to individuals with disabilities. The Designated Federal Officer (DFO) for this Board is A. Sue Bement.

STAKEHOLDER GROUP REPRESENTATION

Membership of the Board consists of individuals who are involved in or concerned with the education and provision of services to Indian infants, toddlers, children and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local education officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 in States having reservations, and other members representing the various divisions and entities of the Bureau of Indian Affairs (IDEA CFR 300.714–715). Current members are from 10 States: New Mexico (2), South Dakota (1), Pennsylvania (2), North Dakota (1), Minnesota (1), Arizona (3), Wisconsin (1), Wyoming (1), Montana (2) and Oregon (1). Members of the Board are listed below, followed by their tribal affiliation (if applicable) and professional affiliation.

BUREAU OF INDIAN EDUCATION
ADVISORY BOARD FOR EXCEPTIONAL CHILDREN
Members, Representative Group, and Professional Affiliations

Name	Representing	Professional Affiliations
Dr. Jonathan Stout, Chairperson Tohono O’Odham <i>Assistant Professor of Special Education, Lock Haven University, Pennsylvania</i>	Teacher of children with disabilities and service provider	<ul style="list-style-type: none"> ▪ Council for Exceptional Children ▪ Association of Pennsylvania State Colleges and University Faculties
Dr. Juan Portley, Vice Chairperson Three Affiliated Tribes <i>Transition Consultant</i>	Service Provider	<ul style="list-style-type: none"> ▪ Council for Exceptional Children ▪ Oklahoma Transition Institute ▪ National Secondary Transition Technical Assistance Center Advisory Board ▪ NM State Performance Plan Improvement Project Advisory Board
Dr. Billie Jo Kipp, Blackfeet <i>President, Blackfeet Community College, Browning, Montana</i>	Service Provider	<ul style="list-style-type: none"> ▪ American Psychological Association ▪ Society of Indian Psychologists ▪ Advisory Board for Faith Based Tribal Victims Assistance Programs ▪ Research Society on Alcoholism ▪ Indigenous Women’s Science Network ▪ Native Children’s Research Exchange ▪ Native Research Network

<p>Dr. Rosemarie Dugi, Board Secretary Navajo Nation <i>Assistant Professor of Special Education, College of Education, Montana State University, Billings</i></p>	<p>Parent/guardian of child with a disability and Teachers of children with disabilities</p>	<ul style="list-style-type: none"> ▪ American Council on Rural Special Education ▪ Council for Exceptional Children ▪ National Indian Education Association ▪ National Coalition on Personnel Shortages in Special Education and Related Services
<p>Dolores Childs-Fullen, Hia Ced O’Odham/Tohono O’Odham Nation <i>F.A.C.E. Adult Educator</i></p>	<p>Parent/guardian of child with a disability</p>	<ul style="list-style-type: none"> ▪ Arizona State University alumni association ▪ New Teacher Center ▪ Coordinator Mentor/Protégé Program ▪ ASSIST of Arizona
<p>Arlene S. Davis, Turtle Mountain <i>Special Education Coordinator</i></p>	<p>State and Local Education Official</p>	<ul style="list-style-type: none"> ▪ Council for Exceptional Children ▪ Special Olympics ▪ Educational Leadership
<p>Dr. Susan Faircloth, Coharie Tribe <i>Associate Professor of Education, North Carolina State University</i></p>	<p>Service Provider</p>	<ul style="list-style-type: none"> ▪ American Educational Research Association ▪ University Council for Educational Administration ▪ Member of the Technical Review Panel for the National Indian Education Study
<p>Norman Shawanokasic, Menominee Nation <i>Project Director, Vocational Rehabilitation for Native Americans, College of the Menominee Nation, Keshena, Wisconsin</i></p>	<p>Tribal Representative</p>	<ul style="list-style-type: none"> ▪ Menominee Tribal Enterprise Board of Directors ▪ Menominee Workforce Development Team ▪ MISD Special Education Team ▪ Consortia of Administrators for Native American Rehabilitation ▪ National Rehabilitation Association ▪ Wisconsin State DVR

		<ul style="list-style-type: none"> ▪ Great Lakes Intertribal Council ▪ National Council for Disability (NCD) Tribal Work Group
Dr. Marilyn Johnson, Acoma Pueblo <i>Education Specialist, Bureau of Indian Education</i>	Parent/guardian of child with a disability	<ul style="list-style-type: none"> ▪ Council for Exceptional Children ▪ Advisory Board of the National Dropout Prevention Center for Students with Disabilities
Paula Sorrell Seanez, Navajo Nation <i>Assistant Director Navajo Department of Dine' Education/Office of Special Education</i>	Service Providers and State Interagency Coordinating Councils and the Navajo Nation	<ul style="list-style-type: none"> ▪ Navajo Advisory Council on Individuals with Disabilities ▪ New Mexico Interagency Coordinating Council for Infants and Toddlers with Disabilities ▪ Navajo Nation Regional Partnership Council of Arizona ▪ First Things First ▪ Council for Exceptional Children ▪ Division of Early Childhood
Luvette Russell, Yavapai-Apache Nation <i>Retired Education Specialist</i>	Indian Parents or guardians of children with disabilities	<ul style="list-style-type: none"> ▪ Council for Exceptional Children
Sergio Maldonado, Sr., Northern Arapaho Tribe <i>Diversity Coordinator/Instructor of Arts and Sciences, Central Wyoming College, Riverton, Wyoming</i>	Service Providers and tribal Representative	<ul style="list-style-type: none"> ▪ National Indian Education Association ▪ Member-Leadership Wyoming, Class of 2009 ▪ Board-With Eagles Wings/Welcome House, a reservation based shelter for homeless children. ▪ Member, Native American Board of Legal Aid of Wyoming Inc. (serving the Northern Arapaho & Eastern Shoshone tribes)

<p>Brian Wagner <i>Director of Student Services, American Indian Institute for Innovation</i></p>	<p>Representative of tribe or tribal organizations and State Interagency Coordinating Councils</p>	<ul style="list-style-type: none"> ▪ National Indian Education Association ▪ South Dakota American Rehab ACTION Team ▪ South Dakota Caring Advancement Respect Education Solutions (CARES) ▪ Crow Creek Child Protection ▪ Lower Brule Child Protection ▪ Lower Brule Boys & Girls Club
<p>Judy Wiley, Chiricahua Apache <i>Director , National Indian Parent Information Center(NIPIC)</i></p>	<p>Parent/guardian of child with a disability</p>	<ul style="list-style-type: none"> ▪ National Indian Education Association ▪ Native American Parent Support ▪ Association for Retarded Citizens ▪ Oregon State Developmental Disabilities Council ▪ Oregon State Advisory Council on Special Education
<p>Beth Ann Tepper, Standing Rock Sioux Tribe <i>Education Specialist, Special Education, Minneapolis Regional Office</i></p>	<p>Teachers of children with disabilities, Local Education Officials, State Interagency Councils, and Bureau Employees concerned with the education of Indian children with disabilities</p>	<ul style="list-style-type: none"> ▪ North Dakota Council for Educational Leaders ▪ National Secondary Transition Technical Assistance Center ▪ CHADD-Parent Support Group ▪ National Title I ▪ NWEA-SPARKS

PRIORITIES ADDRESSED

The Board adopted three priorities on which to focus their efforts and energy. The priorities are (1) Closing the Achievement Gap (Reading and Math), (2) Communication and Collaboration with Tribes, and (3) Secondary Transition and Dropout Prevention. Although there are numerous other areas in which needs exist, the Board determined that these three priorities were essential to promoting student success and were aligned with the State Performance Plan.

Priority 1: Improving education programs for Indian Children with Disabilities that focus on Closing the Achievement Gap in Reading and Math

1. Dr. Rose Dugi, Chair
2. Dr. Jonathan Stout
3. Luvette Russell
4. Delores Childs-Fullen

Justification

NASIS data indicates low levels of academic achievement in Math and Reading for students with IDEA categorical identification. Thus, indicating a gap between Native American general education students and Native American students with Individual Education Programs (IEP).

Board IDEA Duty

CFR.300.714(2) Advise and assist the Secretary of the Interior (Relationship to Priority)

SPP/APR Indicators: General Supervision (15) Indicator 3: Participation and Performance – Statewide Assessments

Priority Goal

Decrease the gap between Native American general education students and Native American students with IEP's in Reading and Math for SY 2012-2013. Quality and equitable professional development will be developed using accountability and performance data. Statewide performance assessments will indicate student academic growth.

Activities to Reach Goal

	Activity	Timeline	Responsibility
1.	Stakeholder support of BIE Flexibility Waiver	2012-2014	Tribes, School Boards, IHE, Schools, Parents
2.	Action plan to implement Common Core Curriculum including students with IEP's	2012-2014	BIE, Education Line Officers (ELOs), Schools
3.	Professional Development targets based on accountability and data	2012-2014	Schools, ELO

Evaluation—how you will know the goal has been reached.

1.	BIE Flexibility Waiver accepted by Department of Education
2.	Performance on Statewide Assessments

Final Advice to BIE

1. Continue to use NASIS for data-driven decision based on achievement in Reading and Math.
2. Increase school level support of professional development for instructional staff.
3. Train administrators and staff on the process of Common Core Curriculum.

Priority 2: Communication and Collaboration with Tribes

1. Sergio Maldonado, Chair
2. Paula Seanez
3. Judy Wiley
4. Norman Shawanokasic

Justification

Tribal people have long engaged in the education of their children. Traditional beliefs held education as both a community endeavor but one of personal responsibility whereby the whole would succeed and survive.

European arrival changed everything from traditional lifeway's to the very natural world that people lived in. The early treaties emphasized an education that would facilitate Euro-American ideals coupled with a "civilizing" policy that foundational removed the notion of a cultural/tribal identity from Native America. What followed is both phenomenal and ethically contentious. Treaty relationships between the newly founded United States and tribes would define Native American identity.

The delivery of services has undergone changes over time and our Native American children have become the recipients of several beneficial orders. The Bureau of Indian Education (BIE) is making concerted efforts to achieve the objectives of President Obama's Executive Order 13592 (White House Initiative) concerning improving educational opportunities for American Indian and Alaska Native students. The relationships between the Bureau of Indian Education (BIE), federally recognized tribes and the recipients of BIE services call for the quality delivery of services. Trust responsibilities cannot be abrogated. Tribal governments must provide the necessary leadership and protect our tribal students in an ever contentious and political environment. Therefore, our elected tribal governments must communicate and collaborate with LEA's, BIE and the parents of exceptional children.

Board IDEA Duty

CFR.300.714 (2) Advise and assist the Secretary of the Interior. (Relationship to Priority)

SPP/APR Indicators

General Supervision (15) (Relationship to Priority)

Priority Goal

Communicate with influential members of community; parents, tribal educators, principals, and tribal community members. Increase and provide on-going and timely information to the following individuals and tribal organizations. This would include but not be limited to the tribal business council, tribal education department, Health and

Human Service departments, tribal parent associations and tribal elder programs. As they serve as cultural sounding boards.

Activities to Reach Goal

	Activity	Timeline	Responsibility
1.	LEA will ensure that Tribal Leaders and all other stakeholders are notified of the date, time and location of the Advisory Board meetings.	30 days after posting in Federal Register	LEA Staff
2.	LEA will ensure that Tribal Leaders and all other stakeholders are notified of the date, time and location of the Advisory Board meetings.	On-going	SEA
3.	Ensure an effective process of communication between the SEA/LEA/School levels.	January 2013- November 2013	SEA

Evaluation—how you will know the goal has been reached.

1.	At every BIE meeting have an update of information. This information would come from the many tribes whose children are receiving assistance from the BIE Educational programs for Indian children with disabilities. These reports should address existing goals of 1) Closing the Achievement Gap, 2) parents involvement, 3) tiered instruction/RTI, 4) communication and collaboration with tribes, and 5) secondary transition and dropout prevention.
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Final Advice to BIE

Continue with existing efforts with tribes, spotlight what works and share with others. Maintain open lines of communication between all parties; continue to work with and listen to the parents. Let’s not lose sight of our goals.

Priority 3: Secondary Transition and Dropout Prevention

1. Dr. Juan Portley, Chair
2. Dr. Marilyn Johnson
3. Dr. Billie Jo Kipp
4. Brian Wagner
5. Beth Tepper

Justification

Over the past year, the basic compliance for transition planning dipped to 59.14%, suggesting that the quality of transition planning and services remains low among the schools serving students with disabilities. The high dropout rate remains a concern with the graduation rate reaching 52.44%. Despite numerous quality trainings for teaching professionals, the high turnover rate creates barriers for successful transfer and sustainability of knowledge. It is paramount that the Bureau of Indian Education focus efforts on developing a comprehensive technical assistance manual for all schools, which contains practice-based strategies for preparing students for postsecondary success.

Board IDEA Duty

CFR.300.714(2) Advise and assist the Secretary of the Interior (Relationship to Priority)

SPP/APR Indicators

General Supervision (15) (Relationship to Priority)

Indicator 1 (Graduation): *SWD = 52.44%* *All = 57.73%*

Indicator 2 (Dropout): *SWD = 8.12%* *All = 9.68%*

Indicator 13 (Transition Plan): *59.14% Compliance*

Priority Goal

BIE will increase the quality of transition planning by improving a school's capacity for transition practice-based strategies for postsecondary preparation by providing skill-building tools for students with disabilities as measured by the number of participants at regional trainings on the practice-based strategies (TA document).

Activities to Reach Goal

	Activity	Timeline	Responsibility
1.	Develop Transition Notebook <ul style="list-style-type: none"> - How to teach self-determination skills - How to teach student-led IEPs. - How to develop out of class job training. - How to develop a quality transition plan. - How to prepare for students for real-world postsecondary pursuits and challenges. - How to use the SOP: Utilizing the SOP and SL-IEP as skill building tools - Amend the Special Education Process Guide to include the student transition portfolio (STP). - Establish a transition portfolio assessment for high school students with disabilities that ensure required documentation to pursue postsecondary options. 	October 1 2012 – June 2013	DPA Special Ed. Staff
2.	Collaborate/ Data Communication <ul style="list-style-type: none"> - Advocate for the hiring of a professional; knowledgeable about transition and postsecondary preparation (provide example job descriptions). 	June 2013	DPA Special Ed. Staff

3.	Implement the dropout prevention framework to the first cohort of schools (n=13).	October 2012 – December 2013	DPA Special Ed. Staff Dropout Prevention School Teams
4.	Conduct regional trainings - How to use the TA document	October 2012 – June 2-13	DPA Special Ed. Staff

Evaluation—how you will know the goal has been reached.

1.	Present the Transition Training Document by January 2013 Advisory Board meeting for critical evaluation.
2.	Development of example job descriptions for a transition position (include as an example for fiscal audit monitoring as an example of appropriate use of funds). Work with Infinite Campus to develop a new tab set for the transition portfolio.
3.	Present to the Advisory Board the initial baseline and first year program data on dropouts and effectiveness of the interventions used at the schools.
4.	Sign-in sheets and participant evaluations from the regional trainings.

Final Advice to BIE

1. Hire a transition professional within each high school or provide teacher support for current special education teacher if student caseload is too small to justify a full-time position.
2. Hold annual regional transition institutes
3. Establish job coach training
4. Establish stronger MOU's with tribal college institutions (pipeline between high schools and tribal colleges) with the focus of strengthening the DDS services.
5. Provide guidance to schools to assist in determining what transition supports (i.e., guidance counseling support) can be provided during the summer.

SIGNIFICANT BOARD ACTIVITIES AND ACCOMPLISHMENTS

The following are activities that were the primary emphasis for the Special Education Advisory Board during the past year. Activities reflect Board involvement and responsiveness to BIE issues and have made a positive difference for Indian children with disabilities.

1. **Established Advisory Board priorities for SY 2011-2012:** Closing the Achievement Gap (reading and math); communication with tribes, and transition and dropout prevention.
2. **Several Advisory Board Members** participated in the BIE Summer Institute in Denver, June, 2012.
3. **The Board data priority workgroup participated in the 2012 BIE Special Education Data Summit** in Albuquerque, New Mexico. The data workgroup provided input into the scoring rubric for levels of determination, the determination criteria, rewards, and consequences; and provided a focus for focused monitoring activities.
4. **Established a Board Committee**, comprised of Dr. Jonathan Stout, Chairperson; Dr. Juan Portley, Vice-Chair; and Dr. Rose Dugi, Secretary, and Brian Wagner, to provide stakeholder input on the BIE Flexibility Waiver.
5. **Conducted public comment sessions** accessible via teleconferences or on-site during Advisory Board meetings in Albuquerque, New Mexico; and Washington, D.C.
6. **Conducted a face-to-face panel discussion** with the Board President, and Special Education teacher from Borrego Pass School.
7. **Provided stakeholder input** into the development of the Annual Performance Report for data year 2020-2011.

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8. **Developed the 2012 BIE Special Education Advisory Board Annual Report** to submit to the Secretary of the Interior, Assistant Secretary - Indian Affairs, select members of Congress, BIE Director and the Library of Congress.
 9. **Participated in Native American Student Information System (NASIS) training.**
 10. **Participated in training provided by the BIE Data Unit Supervisor.**
 11. **Attended informational presentation regarding the Residential Education Placement Program (REPP).**
 12. **Attended informational presentation regarding Office of Special Education Programs (OSEP) sanctions, updates and new indicators.**
 13. **Attended and offered advice on BIE Streamlining Plan.**

EMERGING ISSUES FOR NEXT YEAR

The BIE Advisory Board for Exceptional Children has identified the following topics and emerging issues for 2011–2012 using the State Performance Plan and Annual Performance Report:

- Contracting/Acquisitions
- Fiscal Accountability
- Special Education Policies and Procedures/Practices and Processes
- Provision of Related Services
- Recruitment and Retention
- School Wide Non-Educational Issues: Limited food supply and Life Skills
- Limited English Proficiency and English Language Learners
- College and Career Readiness
- Levels of Determination (improve BIE status from Level 3 to Level 1)

ANTICIPATED MEMBERSHIP VACANCIES FOR 2011-2012

Effective October through December, 2012, six of the current 15-board members' terms will expire. The call for nominations was posted in the Federal Register. New members must go through a vetting process prior to membership. "The Assistant Secretary—Indian Affairs may provide the Secretary of the Interior recommendations for the Chairperson; however, all board members will be appointed by the Secretary as required. Board members shall serve a staggered term of two or three years from the date of their appointment. Vacancies occurring through removal, resignation, or death will be filled for the balance of the vacating member's term in the same manner in which the original appointment was made." (Excerpt from the BIE Advisory Board Charter)

DISSEMINATION OF REPORT

The advisory board must prepare and submit to the Secretary of the Interior and to Congress an annual report. The annual report will be submitted to the Secretary of the Interior, Congress, Assistant Secretary-Indian Affairs, Director of the Bureau of Indian Education, and disseminated to all BIE-funded and operated schools and agencies located in 23 States. The Secretary of the Interior shall make the report available to the Secretary of Education. The report will be available on the BIE website at www.bie.edu and on the Federal Advisory Committee Act website at www.facadatabase.gov.