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QTA – A brief analysis of a critical issue in special education

**American Indian and Alaska Native
Students with Disabilities**

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Overview

More than 90,000 American Indian and Alaska Native (AI/AN) students were served under the Individuals with Disabilities Education Act (IDEA) Parts B and C during the 2002-2003 academic year.¹ Although this represents only 1.36 percent of the total number of students served under IDEA, it is still a significant number of students.² The purpose of this document is to provide background information on the education of AI/AN students, with a focus on AI/AN students with disabilities, and to describe state-level infrastructure related to these students. This document was produced by Project Forum as part of the National Association of State Directors of Special Education's (NASDSE) cooperative agreement with the U.S. Department of Education's Office of Special Education Programs (OSEP).

Background

BIA and OIEP

The Bureau of Indian Affairs (BIA), under the U.S. Department of the Interior, is responsible for administering and managing more than 50 million acres of land held in trust by the United States for American Indians, Indian tribes and Alaska Natives. In addition, the BIA provides education services to many AI/AN children being educated on or near Indian reservations.³ Schools operated and/or funded by the BIA are managed by the Office of Indian Education Programs (OIEP, 2002). The OIEP oversees a total of 186 elementary and secondary schools either operated by the BIA or funded by the BIA and tribally operated under contracts or grants.⁴ These schools are located on 63 reservations in 23 states (OIEP, 2002).

According to the OIEP, approximately 500,000 AI/AN students attended K-12 schools in the United States during the 2001-2002 academic year (OIEP, 2002). Approximately 90 percent of these students attended public schools, ten percent attended schools operated or funded by the BIA and a small number attended private schools (OIEP, 2002).

¹ This figure was retrieved September 10, 2004, from www.ideadata.org.

² This figure was retrieved January 13, 2005 from www.ideadata.org.

³ More information on the BIA can be found on the following website: www.doi.gov/bureau-indian-affairs.html.

⁴ This information came from the 2004-2005 National Education Directory for the BIA's OIEP.

Related Legislation

A number of major legislative actions have helped establish the role of the BIA with respect to the education of AI/AN students (OIEP, 2002). The Indian Reorganization Act of 1934 introduced the teaching of Indian history and culture into BIA schools. Prior to this legislation, U.S. government policy had been full assimilation and eradication of Indian culture. Next came the Indian Self-Determination and Education Act of 1975 (Pub. L. 93-638). This legislation allowed tribes to contract with the BIA in the operation of schools and to determine education programs for AI/AN children. The Education Amendments Act of 1978 (Pub. L. 95-561) and a number of technical amendments (Pub. L. 98-511, 99-89 and 100-297) mandated several significant changes to BIA-funded schools, including the empowerment of Indian school boards, hiring of local teachers and staff and direct funding of schools.

In 1997, the White House Conference on Indian Education noted the relatively low levels of academic achievement of AI/AN students and recommended strategies for improving educational services for this population (Strang, von Glatz, & Hammer, 2002). In 1998, President Clinton signed Executive Order 13096 committing the federal government to reducing the drop-out rate and improving educational outcomes for AI/AN students (Federal Register, 1999).

Educational Outcomes and Personnel Issues

Although there are no national data comparing the educational outcomes for AI/AN students with the outcomes for other racial/ethnic groups, a study conducted by the Government Accounting Office (GAO) found that the academic achievement of many BIA students, as measured by performance on standardized tests and other measures, is significantly below that of students in public schools (GAO, 2001). For example, in 1999-2000, mean scores for BIA students in North Dakota, South Dakota and Arizona – all states where large numbers of students are served by the BIA – were in the 25th to 33rd percentiles on state assessments (GAO, 2001). Furthermore, 10 percent of students enrolled in BIA/tribal schools have dropped out or withdrawn from school at some time in their careers, as opposed to five percent of students in public schools (NCES, 1997).

In 1997, the National Center for Education Statistics (NCES) also reported data on BIA- related personnel issues. Less than one percent of all public K-12 teachers during the 1993-94 academic year were AI/AN and 38 percent of teachers in BIA/tribal schools were AI/AN. Overall, teachers in BIA/tribal schools were less likely than their peers in public schools to be certified in their teaching area and vacant positions in BIA/tribal schools were less likely to be filled. Furthermore, BIA/tribal schools were more likely than public schools to cancel classes, hire less qualified teachers, use teachers from other subjects or grade levels to fill vacancies and employ long- or short-term substitutes (NCES, 1997).

Special Education

BIA Services⁵

The BIA has eight full-time equivalent (FTE) staff positions devoted to AI/AN students with disabilities. Currently four of these positions are filled and soon three more will be filled.⁶ BIA staff members provide technical assistance and oversight to 186 schools that are located in 23 regional agencies. Each of the 23 agencies has the equivalent of one FTE special education coordinator. The level and type of contact that the BIA staff has with states varies considerably. States with the highest number of BIA schools generally have more contact with the BIA. There are 23 states with BIA-operated and/or funded schools and the number of such schools ranges from one to 54 per state.⁷ See Table 1 for information on the number of BIA operated and/or funded schools within each state. The responsibilities of BIA special education staff include general supervision of agencies and schools, monitoring, technical assistance, professional development, collaboration with institutes of higher education (IHEs) and recruitment of AI/AN personnel for tribally and BIA-operated schools.

Table 1
Number of BIA-Operated and/or Funded Schools in the 23 States⁸

Number of Schools	States
1	Iowa, Kansas, Louisiana, Oregon, Wyoming
2	California, Florida, Idaho, Michigan, Nevada, North Carolina, Utah
3	Maine, Montana, Wisconsin
4	Minnesota
5	Oklahoma
8	Mississippi, Washington
13	North Dakota
22	South Dakota
44	New Mexico
54	Arizona

Prevalence of Disabilities

According to OSEP, 97,522 AI/AN students were served under IDEA during the 2002-2003 school year. The states with the highest percentages of AI/AN students served under IDEA Part B, were Alaska (32.34%), South Dakota (16.75%), Oklahoma (15.62%), Montana (14.81%), New Mexico (12.41%) and North Dakota (10.62%).⁹ Approximately 75 percent of AI/AN students with disabilities fall into one of the following disability categories: specific learning

⁵ Information reported in this section is based on a telephone conversation with Gloria Yepa, State Director of Special Education for the BIA, on October 15, 2004.

⁶ The BIA is often referred to as a state education agency (SEA) and functions, in part, as an SEA.

⁷ Although there are 23 states with one or more BIA-funded or BIA-operated schools and 23 regional agencies, agencies *do not* correspond to states. States with large numbers of BIA schools have multiple agencies and states with only one or two BIA schools share a single agency.

⁸ This information came from the 2004-2005 National Education Directory for the BIA's OIEP.

⁹ Data retrieved on September 21, 2004 from www.ideadata.org.

disability, speech or language impairment, mental retardation and emotional disturbance. Overall, these tend to be the most common disability categories for all students served under IDEA.

Research indicates that AI/AN students are over-represented in special education (Civil Rights Project, 2002; Faircloth & Tippeconnic, 2000). AI/AN students accounted for only one percent of total public school enrollment during the 2002-2003 school year, but they accounted for 1.45 percent of students served under IDEA.¹⁰ This means that AI/AN students receive services under IDEA at a rate approximately 50 percent higher than the proportionate rate.

Over-representation is even more of a concern for AI/AN students educated in BIA operated and/or funded schools – 21 percent of BIA-educated students are enrolled in special education as compared to 13 percent of all public school students (Government Accounting Office, 2001). Challenges related to disability are compounded by the fact that 58 percent of BIA-educated students have limited English proficiency (LEP) as compared with 8 percent of public school students and approximately 80 percent of BIA-educated students are eligible for free or reduced-price lunches as compared with 40 percent of public school students (GAO, 2001).

Early Childhood

The U.S. Department of Education provides funds to the BIA for distribution to eligible tribes to assist states in serving AI/AN children with disabilities ages birth to five years. These funds have supported a number of state and local collaborations. The National Early Childhood Technical Assistance Center (NECTAC) is currently collaborating with the BIA's OIEP, the Center for Development and Disability at the University of New Mexico and the Mountain Plains Regional Resource Center (MPRRC) to provide resources to professionals serving AI/AN children with disabilities under the age of five years.¹¹

Personnel Preparation

There are currently 175 institutions of higher education (IHEs) with personnel preparation projects funded by OSEP. Of these 175 IHEs, nine have a total of 10 projects that focus specifically on issues relating to training of AI/AN personnel or training personnel to work with AI/AN students.¹² The following are examples of these projects:¹³

- Pennsylvania State University's project, titled the American Indian Leadership Program, provides doctoral level training for five American Indian students over a four-year period. The project is intended to prepare administrators to be effective leaders for all students, including those from culturally and/or linguistically diverse backgrounds.
- Northern Arizona University's project is titled Faculty for Inclusive Rural/Multicultural Special-Educator Training (FIRST). The goal of this project is to increase the number of

¹⁰ Data retrieved September 21, 2004 from www.ideadata.org.

¹¹ For more information on this collaboration go to www.nectac.org/topics/bia/bia.asp.

¹² Other personnel preparation projects include, but do not focus on, AI/AN students.

¹³ For more information on OSEP-funded projects awarded for the purpose of training special educators to work with AI/AN students, see Faircloth and Tippeconnic (2000) and Heimbecker, Minner and Prater (2004).

Native American and Mexican American special education faculty. The project will produce 12 culturally and linguistically diverse (CLD) faculty who will be able to effectively address CLD exceptional students via research, policy development and preparation of special education teachers to appropriately serve the needs of AI/AN and Mexican American students with disabilities.

- The University of Texas – El Paso is implementing Project AIMED (American Indian M.A. Degree) to train 40 highly qualified educators to serve American Indian students with disabilities. Graduates will develop bilingual special education programs on four different American Indian reservations – the Tigua of western Texas, the Tortugas of southern New Mexico, the Apaches of eastern Arizona, and the Apaches of eastern New Mexico.

Three of the nine IHEs with OSEP-funded personnel projects are tribal colleges or universities – White Earth Tribal Community College in Minnesota, United Tribes Technical College in North Dakota and Sitting Bull College in North Dakota. Each of these projects is designed to increase the number of AI/AN paraeducators, special education teachers and/or early childhood intervention specialists.

Support for Families

At least two projects have been developed specifically to meet the needs of families of AI/AN children with disabilities. The Education for Parents of Indian Children with Special Needs (EPICS) Project, funded by OSEP, provides training and information to AI/AN families in order to facilitate their active involvement in meeting the educational and health needs of their children with disabilities. EPICS provides training and advocacy assistance to professionals as well as parents.¹⁴ The Parent Advocacy Coalition for Educational Rights (PACER) Center also sponsors the American Indian Parent Network. The American Indian Parent Network offers workshops for parents and professionals on special education rights and responsibilities, Section 504 accommodations, Fetal Alcohol Syndrome, positive behavioral support, Indian family resource consultants and a resource library.¹⁵

Data Collection

Given that so little is known about state infrastructure for serving AI/AN students with disabilities, Project Forum developed a survey to collect information from state education agencies (SEAs) on this topic.¹⁶ In August of 2004 the survey was sent to all state directors of special education. Thirty-nine states and two non-state jurisdictions completed the survey August through October of 2004, for a total of 41 responses. Respondents are referred to as SEAs throughout this document. The remainder of this document summarizes data from the survey responses.

¹⁴ For more information on EPICS, visit its website at www.swcr.org/projects.htm.

¹⁵ For more information on PACER's American Indian Parent Network, visit its website at www.pacer.org/parent/aijn.htm.

¹⁶ Project Forum gratefully acknowledges the following individuals who helped identify the issues covered in this document: John Copenhaver, Mountain Plains Regional Resource Center (MPRRC); Todd Fletcher, University of Arizona; Kathy Froehlich, Sitting Bull College, North Dakota; Dixie Jordan, Parent Advocacy Coalition for Educational Rights (PACER); and Judy Smith-Davis, Education Consultant.

Findings

Designated SEA Staff

Eleven SEAs reported that there is a person at the SEA level specifically responsible for addressing issues relating to AI/AN students with disabilities. Seven of these reported that this person is also responsible for addressing issues relating to AI/AN students *without* disabilities. Three additional SEAs noted that no single individual is specifically designated to address issues related to AI/AN students with disabilities. One of the three routinely assigns staff to help coordinate support for AI/AN schools. Another has a staff person who is currently coordinating a state-wide committee, with representatives from four American Indian tribes, to write two competitive applications for federal funding to serve students both with and without disabilities.

Of the 11 SEAs with a person responsible for addressing issues related to AI/AN students with disabilities, seven SEAs provided information on the FTE of this role.¹⁷ FTEs range from .05 percent to just under 50 percent. Ten of the 11 SEAs provided information on the funding for this position. Six reported using federal monies (Title I-C, Title III, Title V, Title VI-B, and IDEA discretionary funds) and four reported using state monies (state general fund and funds earmarked for individuals who are English Language Learners).

Eight SEAs provided information on responsibilities associated with the position. Most commonly, responsibilities included examining data relating to AI/AN students with disabilities and working on strategies (8 SEAs), providing technical assistance (TA) to local education agencies (LEAs) on issues related to AI/AN students and families (7 SEAs) and responding to inquiries from AI/AN families (6 SEAs). Less commonly, responsibilities included:

- coordinating professional/paraprofessional development efforts related to serving AI/AN students (5 SEAs);
- serving as liaison to tribal leaders (4 SEAs);
- facilitating communication between LEAs, schools, BIA and tribal schools (4 SEAs);
- working with parent centers on issues related to AI/AN students (4 SEAs);
- coordinating with other government agencies on issues related to AI/AN students (4 SEAs);
- serving as liaison to the BIA (3 SEAs);
- serving as liaison to tribal schools (3 SEAs);
- providing TA to the BIA (3 SEAs);
- providing TA to tribal schools (3 SEAs);
- working with tribal colleges on issues related to recruitment/retention of AI/AN professionals/paraprofessionals (2 SEAs);
- implementing an AI/AN Education State Plan (1 SEA);
- providing a liaison to the SEA Indian Education office (1 SEA);
- awarding grants for AI/AN parent involvement (1 SEA);
- administering general funds to nonprofit tribal organizations (1 SEA).

¹⁷ One additional SEA provided information on FTE dedicated to AI/AN students both with and *without* disabilities – .25 FTE.

Data Collection and Monitoring

Twenty of the 23 states with BIA or tribal schools responded to the Project Forum survey. Of the 20, only one reported that it obtains data from the BIA on students with disabilities, which is then included in its other required special education data. Furthermore, of these same 20 states, none reported conducting monitoring activities in BIA or tribal schools. One SEA, however, reported that although the tribal schools are currently monitored through the Title I monitoring mechanism as opposed to OSEP, the SEA is currently working on developing an integrated monitoring approach across federal programs. Another SEA noted that public schools located on Indian reservations are included in its compliance monitoring cycle.

State Leadership Activities Involving AI/AN Individuals

Twenty SEAs reported involving AI/AN individuals in state leadership activities. Most commonly, SEAs included AI/AN individuals on special education advisory councils (8 SEAs) and in parent training and/or on parent advisory panels (3 SEAs). Many of the 20 SEAs listed one or more taskforces, work groups, planning committees or advisory councils – some specifically addressing AI/AN issues or disproportionality – on which AI/AN individuals have been involved. Some examples include: Comprehensive System of Personnel Development (CSPD) advisory council, Education Equity Advisory panel, State Interagency Coordinating Council (SICC) for Part C and grant planning and review teams.

One SEA also noted that members of its state department of education staff participate on the state's Native American Advisory Council. Four SEAs noted that the ethnicity of taskforce and advisory board members is either not collected or is unknown.

Workforce Development

Twenty-one SEAs identified one or more types of workforce development and/or professional/paraprofessional development activities/initiatives related to AI/AN students with disabilities that are currently in place. Most commonly, SEAs listed professional/paraprofessional development related to culturally-relevant instruction for AI/AN students (13 SEAs), involvement of BIA or tribal school staff in SEA-level professional development (10 SEAs) and recruitment of paraprofessionals from AI/AN populations (8 SEAs). Less commonly, LEAs listed professional/paraprofessional development related to assessment of AI/AN students (6 SEAs) and recruitment and retention of special educators to work on reservations (4 SEAs). The following workforce development activities/initiatives were listed by one SEA: preparing teachers to provide supported transition from tribal schools to public schools; transition support for post-high school education; training for Indian Home School Liaisons; and instruction in math and science.

Major Challenges

Twenty-three of the 41 responding SEAs identified one or more major challenges to serving AI/AN students with disabilities. Each of the following challenges was listed by three SEAs:

- finding culturally relevant curriculum and instructional strategies;
- improving graduation and drop-out rates;
- reaching students who are geographically isolated;
- coordinating with schools administered by the BIA or tribes; and
- recruiting and retaining teachers, including AI/AN teachers.

Other challenging issues noted by one or two SEAs are as follows:

- disproportionate representation of AI/AN students in special education;
- achievement gap between AI/AN students and other ethnic groups;
- transition from BIA or tribal schools to public schools;
- cultural barriers and intolerance of cultural differences within the public schools;
- growing population;
- impact of casinos and gaming revenues that create a disincentive to graduate from high school;
- low levels of parent involvement;
- need for more early childhood programs;
- rising rates of AI/AN students with emotional disturbance;
- lack of a designated funding source for AI/AN education;
- poverty and other socio-economic factors;
- alcohol and drug abuse; and
- limited employment opportunities for AI/AN adults.

Ten of the 41 responding SEAs reported that the population of AI/AN students within the state is insignificant and/or serving AI/AN students with disabilities is not a concern.

Concluding Remarks

Extant data suggest that AI/AN students are significantly over-represented in special education, particularly those students who attend BIA schools. Because the percentage of AI/AN students varies considerably from state to state, as does the presence of schools operated and/or funded by the BIA, some states are more likely than others to express concern about issues related to AI/AN students with disabilities.

A number of states have developed state-level infrastructures or activities/initiatives to address the needs of AI/AN students with disabilities. For example: 11 of the 41 responding SEAs specifically designate a staff person to address issues relating to AI/AN students with disabilities, 21 SEAs reported workforce development and/or professional/paraprofessional development activities/initiatives related to AI/AN students with disabilities and 20 SEAs reported leadership activities involving AI/AN individuals. Twenty-three SEAs identified one or more challenges to serving AI/AN students with disabilities, suggesting that more resources and expertise need to be directed at this population of students.

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