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ABSTRACT

This report discusses the number of handicapped Indian preschoolers on the 63 reservations with schools administered by the Bureau of Indian Affairs (BIA) and the sufficiency of services they receive. Information for the report was obtained from BIA's special education coordinators. The report estimates that 2,948 handicapped Indian children aged 3 and 4 live on the 63 reservations. Only 838 were receiving special education services in school year 1988-89 from one or more service providers, including BIA, Head Start, Indian Head Start, and local public school districts. Of the 2,110 preschoolers who were not receiving special education services, about 1,237 were not individually identified and located, a process required by federal regulations. Of the 791 handicapped Indian preschoolers with Individualized Education Programs (IEPs), at least 24% were receiving fewer services than their IEPs prescribed. Preschoolers received insufficient services because of shortages of qualified personnel and inadequate funding to hire them. In addition, BIA, the Department of Education, and the states have differing interpretations about who must provide services to handicapped Indian children on reservations with BIA schools. Seven appendixes include: a technical description of the methodologies used to estimate the number of handicapped Indian preschoolers; the data collection instrument; and comments from the Department of the Interior. (JDD)

United States General Accounting Office

GAO

Briefing Report to Congressional Requesters

March 1990

SPECIAL EDUCATION

Estimates of Handicapped Indian Preschoolers and Sufficiency of Services

GAO

United States
General Accounting Office
Washington, D.C. 20548

Human Resources Division

B-238080

March 5, 1990

The Honorable Daniel K. Inouye
Chairman, Select Committee on Indian Affairs
United States Senate

The Honorable Augustus F. Hawkins
Chairman, Committee on Education and Labor
House of Representatives

This report discusses our estimates of (1) the number of handicapped Indian preschoolers on the 63 reservations with schools administered by the Department of the Interior's Bureau of Indian Affairs (BIA) and (2) the sufficiency of services they receive. It responds to the requirement in Public Law 100-297 that we review BIA's program for educating these preschoolers. This legislation requires us to determine the number of these preschoolers aged 3 and 4 on (1) all 297 federally recognized Indian reservations and (2) the 63 reservations with BIA schools receiving BIA-funded services. Concerning the preschoolers on these 63 reservations, the act further requires us to determine (1) the sufficiency of the services these preschoolers receive and (2) the number who can be expected to attend BIA schools when they reach school age. This report elaborates on our April 28, 1989, briefing to your offices.

We obtained the information required by Public Law 100-297 primarily through the use of a data collection instrument completed by BIA's special education coordinators. These 32 coordinators, located in BIA field offices, are responsible for special education-related matters on the 63 reservations with BIA schools.

To estimate the number of handicapped Indian preschoolers on reservations and in all areas of Alaska and Oklahoma,[1] we used patient registration data maintained by the Indian Health Service (IHS) and prevalence rates for handicapping conditions developed by the Native American Research and Training Center (University of Arizona and Northern Arizona University). We analyzed available school attendance data for Indian children on reservations with BIA schools to estimate the number of handicapped Indian preschoolers who might attend BIA schools when they reach school age.

[1] Because of the large Indian and Native Alaskan population who live in nonreservation areas in Alaska and Oklahoma, we were asked by congressional staff to estimate the number of handicapped Indian preschoolers in these states.

To determine policies and procedures for, as well as opinions of, special education programs for handicapped Indian preschoolers, we interviewed various officials from BIA, the Department of Education, Head Start, as well as IHS and state education officials in the 20 states with BIA schools on reservations. Our work was done from September 1988 through July 1989 in accordance with generally accepted government auditing standards (see pp. 12-17).

Background

Public Law 99-457, the 1986 amendments to the Education of the Handicapped Act (EHA), required the Department of the Interior to assure that all handicapped Indian preschoolers aged 3 to 5, living on reservations with BIA schools, receive a "free and appropriate" education, beginning in school year 1987-88. State and local education agencies, says a Department of Education policy memorandum, must provide a free and appropriate education to handicapped Indian preschoolers on reservations without BIA schools. Handicapped Indian preschoolers living on reservations with BIA schools have the option, when available, of attending BIA, public, or private preschool classes.

For handicapped preschoolers, an "appropriate" education includes both special education and related services. Determining the services needed, as well as diagnosing children thought to have handicapping conditions, is the responsibility of multidisciplinary evaluation teams. Their diagnoses, as well as the services they recommend, are documented in each child's Individual Education Program (IEP). Federal regulations require that IEPs list all services recommended or that they justify why any recommended services are excluded.

BIA's regulations also require it to conduct annual "child-find" activities. These regulations (25 C.F.R. 45.11) state that each BIA field office

> "...must insure that every child within its jurisdiction between the ages of birth and twenty-two years who is suspected of being handicapped and in need of special education and related services is identified and located."

BIA special education programs operate with EHA funds provided by the Department of Education. EHA limits BIA's funding to an amount not to exceed 1.25 percent of the aggregate amount awarded to the states for providing special education services to handicapped children (see pp. 10-12).

Significant Number of Handicapped Indian Preschoolers May Be Unserved

We estimate that nearly 3,000 handicapped Indian preschoolers aged 3 and 4 live on the 63 reservations with BIA schools. Another 5,500 to 9,800 live on the other 234 federally recognized reservations or in the states of Alaska and Oklahoma.[2] However, only 838 of these 3,000 were receiving special education services in school year 1988-89.

On the reservations with BIA schools, about 2,110 of the estimated 2,948 handicapped Indian preschoolers may need, but were not receiving, special education services in school year 1988-89. The other 838 were receiving services from one or more service providers, including BIA, Head Start, IHS, and local public school districts. BIA provided at least some funding for 437, or 52 percent, of the 838 preschoolers receiving services. About 1,237 of the 2,110 preschoolers who, we estimate, may need special education services are those who have not been individually identified and located, as required by 25 C.F.R. 45.11. Consequently, we are uncertain of the precise number of preschoolers who actually need special education services (see pp. 18-22).

Services Provided Preschoolers Are Insufficient

Of the 791 handicapped Indian preschoolers with IEPs,[3] at least 24 percent were receiving fewer services than their IEPs prescribe. Furthermore, because IEPs may lack all the services handicapped children need, the actual percentage of children underserved may be higher than the 24 percent we calculated. In this regard, both our survey of BIA coordinators and recent testimony presented to the Senate Subcommittee on Disability Policy indicate that in many cases, for both BIA and public schools, IEPs only list those services educational agencies are able to provide, rather than all the services a child needs (see pp. 23-23).

[2]Available data permitted us to provide estimates for 249 of the 297 federally recognized reservations. Indians living on the 48 reservations for which data were unavailable represent about 2 percent of the Indian population living on reservations.

[3]We only analyzed the sufficiency of services provided to preschool children with IEPs. Of the 791 children with IEPs, 789 were receiving services. In addition to these 789, another 49 children were receiving services but lacked IEPs.

Major Reasons for Insufficient Services—Personnel Shortages and Inadequate Funding

BIA officials told us that many handicapped Indian preschoolers received insufficient services because of shortages of qualified personnel and inadequate funding to hire them. Concerning personnel shortages, 16 of the 32 BIA coordinators reported that on the reservations they serve, at least 61 specialized staff vacancies existed. Funding limitations, which BIA officials told us were brought about because of an increase in its service population and the lack of any additional funding source for its preschool programs, resulted in BIA's providing only $2.7 of the $4.3 million requested by its field offices to serve handicapped preschool children in school year 1988-89 (see pp. 29-33).

Agency Responsibility for Special Education Subject to Interpretation

BIA, the Department of Education, and the states have differing interpretations about who must provide services to handicapped Indian children on reservations with BIA schools. These differences could make efforts to serve these children difficult and contribute to BIA's inability to serve some children for whom it is responsible.

We believe that as a condition of accepting EHA funds, Interior assumes primary responsibility for assuring services to all handicapped preschoolers living on reservations with BIA schools. This assurance means that when other non-BIA agencies do not provide special education services that a handicapped preschooler needs, Interior must provide them. In those instances in which non-BIA agencies agree to provide handicapped Indian preschoolers with special education services, Interior may be able to discharge its assurance responsibility by, for example, monitoring the services being provided.

In our opinion, the Departments of Education and Interior and certain states misunderstand what EHA requires of Interior. Interior believes BIA is only responsible for children enrolled in its programs and that it may supplement other providers' services. Education and some states believe that BIA is solely responsible for all Indian children on reservations with BIA schools.

The difference in views concerning Interior's EHA responsibilities has the potential for allowing handicapped Indian preschoolers to be unserved. When there are significant differences of opinion about who is primarily responsible for serving handicapped Indian children, especially when neither BIA nor the state accepts primary responsibility, cooperation in meeting the needs of these preschoolers may be difficult to obtain. Further, when agreements are not reached with other agencies to provide

services, Interior's position—that it is not primarily responsible—creates the potential for children to be unserved (see pp. 33-34).

Preschoolers Who May Attend BIA Schools

Most of the enrollment data needed to reliably estimate the number of handicapped Indian preschoolers who might, upon reaching school age, attend BIA schools rather than the public or private schools was unavailable. However, the data provided for 20 of the 63 reservations with BIA schools indicate that approximately 50 percent of the total eligible kindergarten and first-grade Indian students attend BIA schools (see pp. 34-35).

Conclusions

At the time of our review, BIA had not individually identified and located all preschool Indian children who are thought to be handicapped, as its regulations, 25 C.F.R. 45.11, require. We believe that if BIA fully complied with its child-find regulations, it would be better able to work with other service providers—such as Indian Head Start programs and local public school districts—to meet the special educational needs of handicapped Indian preschoolers. As a result, these preschoolers would have a better chance of receiving the services that EHA legislation requires they be provided (see p. 35).

Recommendation to the Secretary of the Interior

We recommend that the Secretary of the Interior direct the Assistant Secretary for Indian Affairs to fully implement the requirements of 25 C.F.R. 45.11. Concerning this, the Assistant Secretary should take actions to assure that on the 63 reservations with BIA schools, each BIA field office annually identifies and locates every preschooler thought to be handicapped and in need of special education services (see p. 36).

Agency Comments

In commenting on a draft copy of this report, the Department of the Interior stated that it agreed with many of our findings (see app. VI). However, the Department stated that BIA had successfully implemented annual child-find activities for many years. We disagree with the Department's statement concerning Indian preschoolers. BIA's special education coordinators estimated there are about 1,237 Indian preschoolers who are thought to be handicapped, but have not been individually identified and located.

The Department also provided comments dealing with several sections of the report that it believes warrant further clarification and explanation. These comments were considered and incorporated as appropriate (see p. 59).

Copies of this report are being sent to the Secretaries of the Interior, Health and Human Services, and Education, as well as other interested parties. Please call me on (202) 275-1793 if you or your staff have any questions about this report. Other major contributors are listed in appendix VII.

Franklin Frazier
Director, Education and
Employment Issues

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Abbreviations

BIA	Bureau of Indian Affairs
EHA	Education of the Handicapped Act
GAO	General Accounting Office
IEP	Individual Education Program
IHS	Indian Health Service
OCR	Office for Civil Rights

Special Education: Estimates of Handicapped Indian Preschoolers and Sufficiency of Services

Background

The Education of the Handicapped Act (EHA) is the principal federal legislation for providing federal assistance to state and local educational agencies; this legislation enables these agencies to meet the special educational and related service needs of handicapped children. EHA requires each state receiving federal assistance to provide a "free and appropriate" public education to all handicapped children regardless of the nature or severity of the handicapping condition. For handicapped children, an "appropriate" education includes both special education and related services.

Special education is instruction specifically designed to meet the unique needs of a handicapped child. Related services are the developmental, corrective, and other support services required to help the handicapped child benefit from special education instruction. Examples of related services include physical and occupational therapy, counseling, and speech pathology. In this report, the term "special education services" includes both special education instruction and related services.

Determining the special education services handicapped children need is the responsibility of multidisciplinary evaluation teams comprised of education and related service specialists. These teams evaluate children, determine their handicapping condition(s), and recommend the special education services needed to improve educational performance or ability to learn or both. Federal regulations require that all recommended services for each child be included in a document called an Individual Education Program (IEP). In addition, an IEP must justify why any recommended services are excluded.

Before 1986, EHA required the states to provide special education services only to handicapped children aged 5 through 17. However, handicapped children younger than 5 or older than 17 could be served if consistent with state law or practice. In addition, by providing incentive grants, EHA encouraged the states to serve handicapped preschoolers aged 3 to 5.

In 1986, the Congress, responding to advances in the understanding of how very young children develop and studies of the long-term benefits of early intervention programs, amended EHA to more adequately address the educational needs of handicapped infants, toddlers, and preschoolers. The 1986 amendments (P. L. 99-457) authorized funding for those states that choose to provide services to handicapped infants

and toddlers (children from birth through the age of 2). The amendments also require the states to begin serving all handicapped preschoolers, children aged 3 through 5, no later than October 1, 1990.

The Department of Education administers EHA and distributes funds to the states. The funds allocated and the number of handicapped students in the United States receiving special education services in school years 1986-87 through 1988-89 are highlighted in table 1.

Table 1: Total EHA Funding in School Years 1986-87 Through 1988-89

	School year		
	1986-87	1987-88	1988-89
Funds allocated (in billions)	$1.1	$1.3	$1.4
Students served	4,166,692	4,235,263	[a]

[a]These data were unavailable

BIA's Role in Special Education

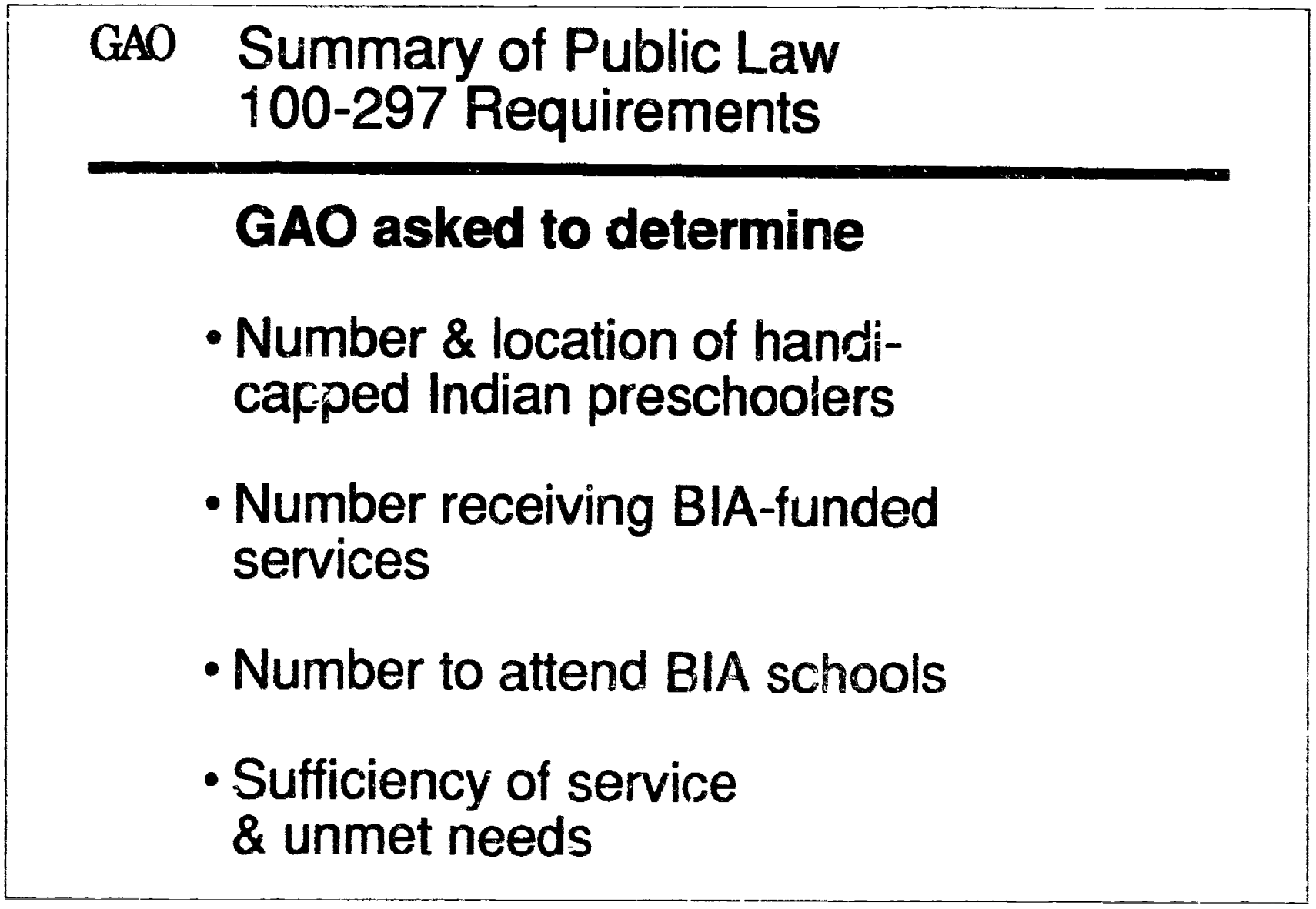
Under EHA, BIA is similar to a state education agency. Like the states, BIA receives its funding from the Department of Education and must provide special education services to handicapped children living on reservations with schools for Indian children operated or funded by the Department of the Interior (BIA schools). Handicapped Indian preschoolers living on reservations with BIA schools can attend either BIA, public, or private preschool classes, when those options exist.

Unlike the states, BIA's funding is not allocated on a per child basis. Instead, BIA receives an annual percentage, that is, a set-aside (up to 1.25 percent), of the aggregate amount of EHA funds awarded to states for providing special education services to handicapped children. This aggregate amount is known as part B funds.

Public Law 99-457 required BIA to begin serving handicapped Indian preschoolers by school year 1987-88, 3 years before states are mandated to begin providing services to handicapped preschoolers in the nation's public schools. To fund special education services for handicapped Indian preschoolers, the 1986 amendments increased the set-aside from an amount not to exceed 1 percent to an amount not to exceed 1.25 percent of the part B funds awarded to the states.

As part of its special education program, BIA's regulations requires it to conduct annual "child-find" activities. These regulations, 25 C.F.R. 45.11, state that each BIA field office

Figure 1

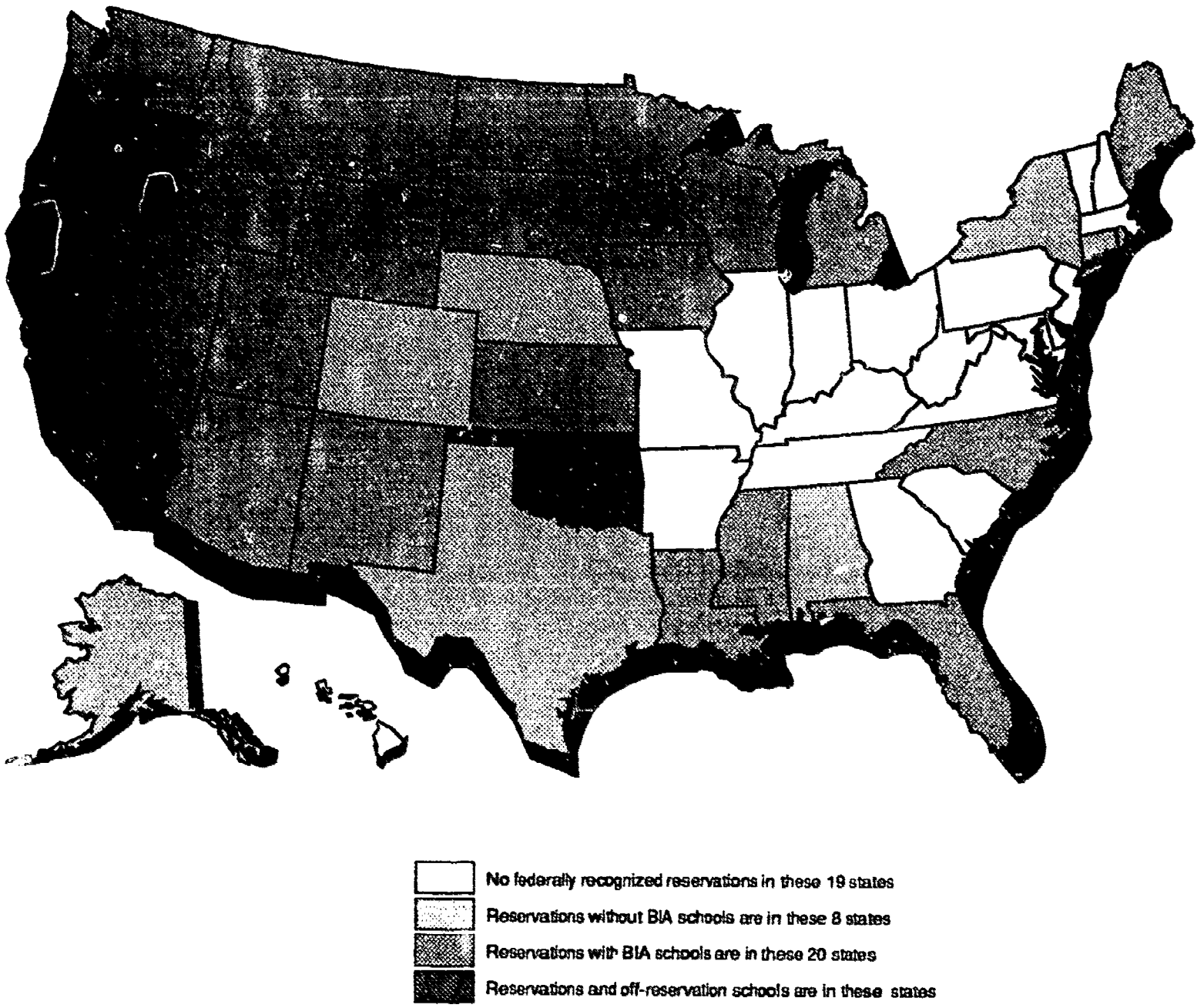


Based on discussions with staff from the House Education and Labor Committee and the Senate Select Committee on Indian Affairs, we agreed to obtain estimates of the number of handicapped Indian preschoolers who live on each of the nation's federally recognized reservations and in all areas of Alaska and Oklahoma. Committee staff members asked us to estimate the number of handicapped Indian preschoolers in Alaska and Oklahoma because of the large Indian population living on nonreservation land in these states.

We identified 277 federally recognized reservations in 31 states (fig. 2).[1] Sixty-three reservations in 20 states have BIA schools. At least 20 of these 63 reservations also have public schools located within the reservation boundaries. The other 234 reservations have public or private schools or both, but no BIA schools.

[1]This total includes (1) 283 reservations recognized by BIA's Division of Real Estate Services as of August 8, 1988; (2) 13 areas administered as reservations by BIA's Sacramento Area Office because of BIA's interpretation of a court order (Tillie Hardwick vs. United States of America, C-79-1710-SW); and (3) 1 reservation established by the Congress on September 9, 1988.

Figure 2: States With Federally Recognized Indian Reservations



We used two separate methodologies to estimate the number of handicapped Indian preschoolers. For the 63 reservations with BIA schools, the coordinators obtained estimates for us. For the reservations without BIA schools and for all areas of Alaska and Oklahoma, we obtained estimates by multiplying estimates of the number of Indian preschoolers by

prevalence rates of handicapping conditions among Native American children.[2] We used these methodologies because neither BIA, the Bureau of Census, the Department of Education, nor 19 of the 20 states with reservations and BIA schools had data documenting the number of handicapped Indian preschoolers. The details of these methodologies are discussed in appendix I.

Using the two methodologies, we obtained estimates for 249, or 84 percent, of the 297 reservations and for the entire states of Alaska and Oklahoma. These 249 reservations contain about 98 percent of the Indian population living on reservations.[3] The 249 reservations include all 63 reservations with BIA schools and 186, or 79 percent, of the 234 reservations without these schools. The estimates we obtained are reported by state in appendix II. The estimates provided by the coordinators for each of the 63 reservations with BIA schools are in appendix III.

The coordinators also identified the total number of handicapped Indian preschoolers receiving BIA funded services. The data collection instrument (see app. V) we developed for their use in estimating the number of handicapped Indian preschoolers also required the coordinators to specify which ones received BIA-funded services.

We were unable to obtain a comprehensive estimate of the number of handicapped Indian preschoolers who will attend BIA schools because data were unavailable for most reservations with these schools. We requested attendance data about all kindergarten and first-grade Indian children attending BIA, public, or private schools in school years 1986-87, 1987-88, and 1988-89 on each of the 63 reservations with BIA schools. BIA officials provided attendance data for all BIA schools on all 63 reservations. However, attendance data for public and private schools was provided for only 20 of the 63 reservations. Using the data provided, we calculated the percentage of Indian children in kindergarten and first grade attending BIA, public, and private schools.

To determine the sufficiency of services, the coordinators provided data on the services needed by, and services being provided to, handicapped

[2]We obtained estimates of the number of Indian children from the Indian Health Service (IHS) and the prevalence rates from a Native American Research and Traning Center study.

[3]The 48 reservations for which no data were available do not materially affect our estimates. Population estimates contained in a BIA publication, "Indian Service Population and Labor Force Estimates" (Jan. 1989), show that these reservations contain about 2 percent of the total Indian population who live on reservations.

Indian preschoolers with IEPs. The coordinators collected this information from the various providers of special education services on the reservations, such as BIA-operated programs, Indian Head Start, and local public schools. Using the data provided, we classified each child into one of three categories: those receiving full service, partial service, and no service. "Full service" means that the child was receiving all the services specified in his or her IEP, at the frequency prescribed. "Partial service" means that the child was receiving some services listed in the IEP, but either some services were not provided or were provided less frequently than prescribed. "No service" means the child failed to receive any IEP-prescribed service.

We also surveyed the coordinators to determine if the services listed in IEPs were all the services handicapped children need. We asked them if IEPs contain all the services recommended by multidisciplinary evaluation teams and, if IEPs lacked some recommended services, why.

In doing our work, we visited four reservations — Cheyenne River, South Dakota; Gila River, Arizona; Isleta, New Mexico; and portions of the Navajo, Arizona. At the Cheyenne River and Gila River reservations, we observed special education classes, reviewed IEPs, and interviewed BIA, Head Start, and public school officials. At the Isleta and Navajo reservations, we observed special education classes and interviewed school officials and BIA's coordinators. To determine policies and procedures for, as well as opinions of, special education programs, we also interviewed officials in the Washington, D.C., area headquarters of BIA, the Department of Education, Head Start, and IHS. To determine the views of state officials working in special education as to the states' responsibility to handicapped Indian preschoolers, we spoke with officials in 20 states with reservations and BIA schools.

Our field work was done from September 1988 through July 1989. We did this review in accordance with generally accepted government auditing standards.

Significant Number of Handicapped Indian Preschoolers May Be Unserved

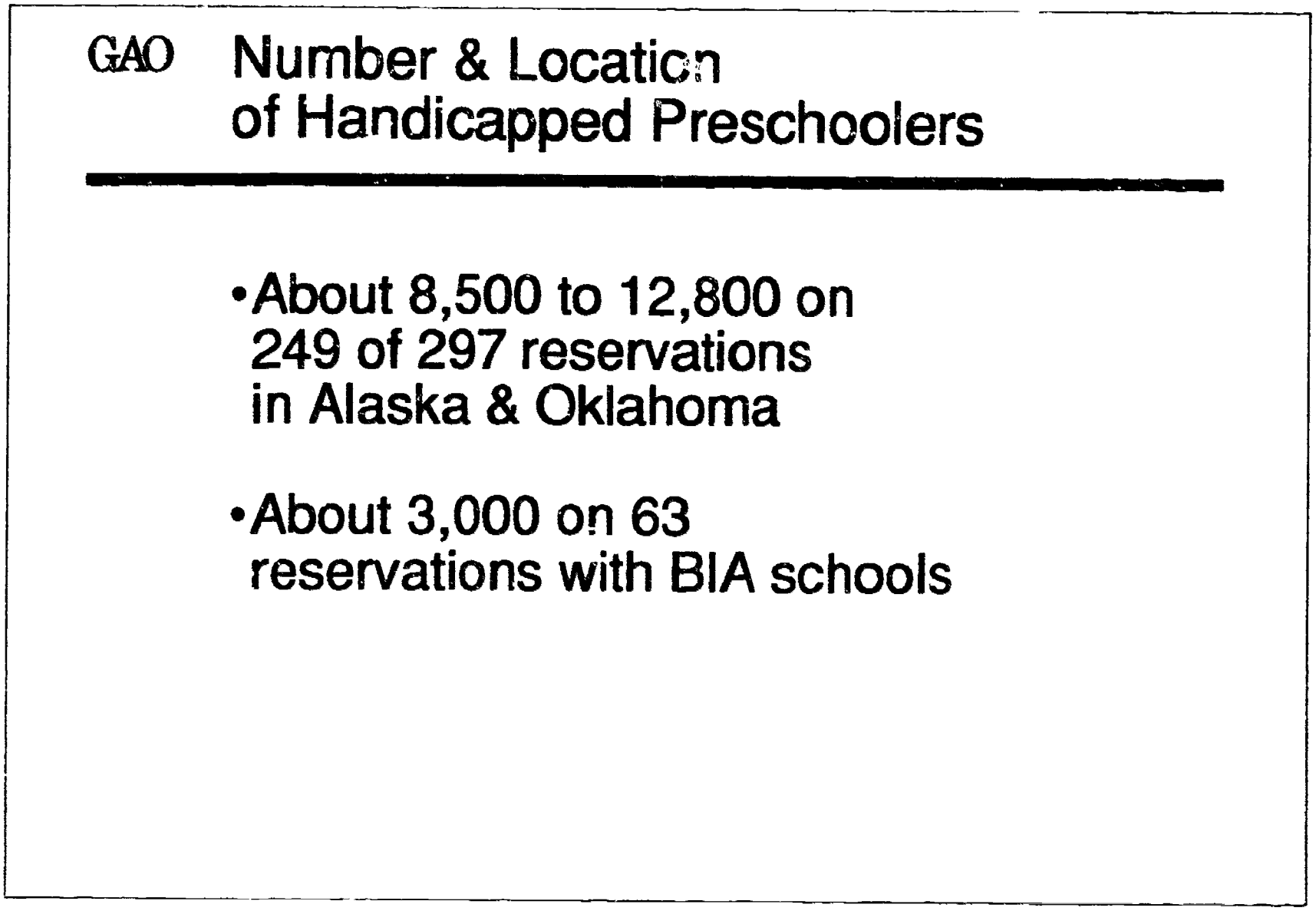
Only 838 of the estimated 2,948 handicapped Indian preschool living on reservations with BIA schools received special education services in school year 1988-89. The majority (1,237) of the other 2,110 children thought to be handicapped have yet to be specifically identified or located as required by federal regulations. Consequently, we are uncertain of the precise number of preschoolers who actually need special education services.

Number and Location of Handicapped Indian Preschoolers

For school year 1988-89, we estimate that about 8,500 to 12,800 handicapped Indian preschoolers aged 3 and 4 live on 249 of the 297 federally recognized reservations and in Alaska and Oklahoma (fig. 3).[4] An estimated 2,948 of these preschoolers live on the 63 reservations with BIA schools. Appendices II and III contain detailed information on the number of handicapped Indian preschoolers who live in each state with federally recognized reservations and on the 63 reservations with BIA schools.

[4]As discussed in appendix I, the lower end of this estimate, 8,500, could be understated by about 8 percent. In addition, the upper end, 12,800, could be overstated by about 21 percent.

Figure 3



For the 63 reservations with BIA schools, the coordinators provided their estimates in three parts. The first part consists of those Indian preschool children who have been diagnosed as having handicapping conditions. The second part consists of those Indian preschool children who have been referred for diagnostic evaluation, primarily because they failed a screening test. The third, and largest, part is the coordinators' estimates of the number of Indian preschoolers who may be handicapped but who have yet to be individually identified or located. The individual count for each part of the coordinators' estimates is shown in figure 4.

BIA regulations define a handicapped child as one who has a diagnosed handicapping condition and, because of this condition, needs special education services. Only those children in the first part of the coordinators' estimates meet this definition. The children in the second and third parts—those who have been referred for a diagnostic evaluation and those who may be handicapped but who have yet to be individually identified—were presumed by the coordinators to be handicapped on the basis of their personal knowledge or information they obtained to make their estimates or both.

Figure 4

GAO BIA's Potential Service Population--63 Reservations

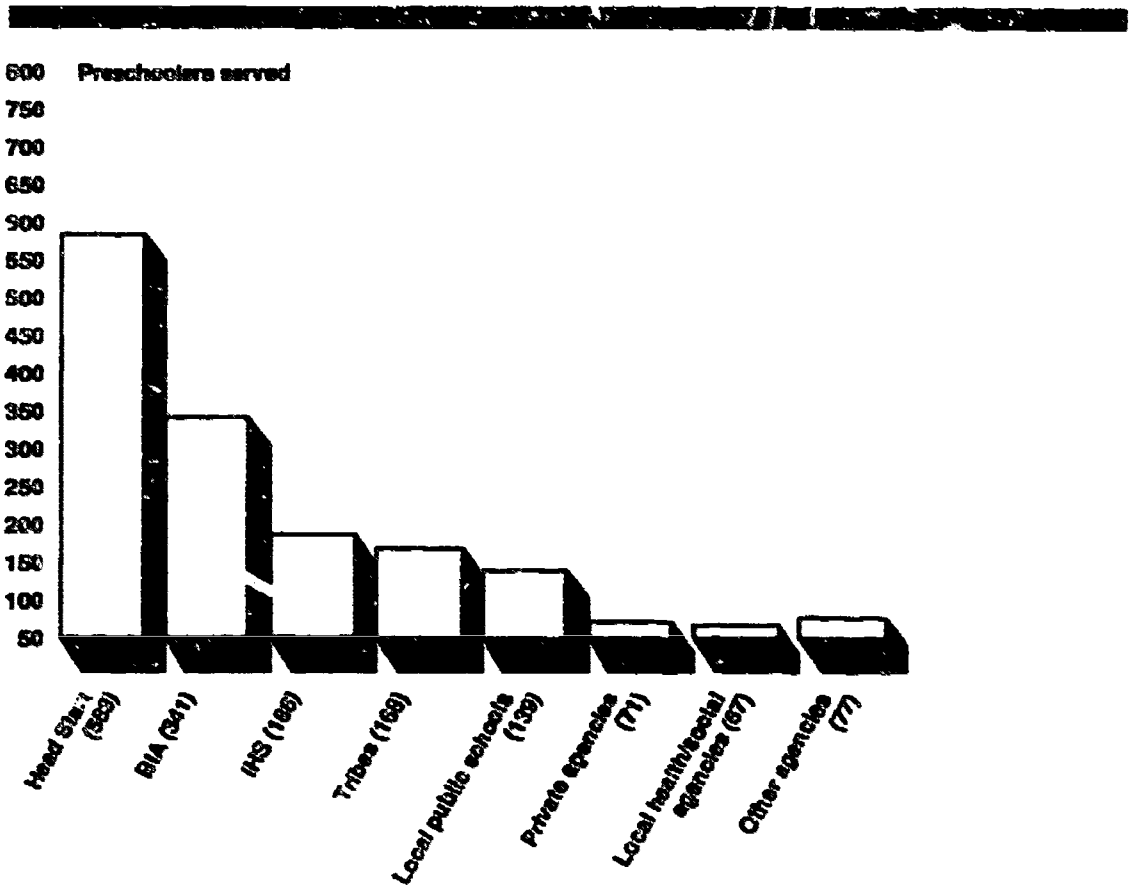
Source of Estimate	Number
Diagnosed as Handicapped (791 with IEPs, 194 without)	985
Referred for Evaluation	726
Coordinator Estimate of Others	1,237
Total	2,948

Handicapped Indian Preschoolers Received Special Education Services in School Year 1988-89

About 28 percent, or 838, of the estimated 2,948 handicapped Indian preschoolers on reservations with BIA schools, received special education services in school year 1988-89. Of the 838 served,[5] 437, or 52 percent, were funded, at least partially, by BIA. In many cases, these 838 preschoolers received special education services from more than one service provider. The number of handicapped Indian preschoolers with IEPs being served by each service provider is shown in figure 5.

[5]Of the 838 being served, 789 had IEPs and 49 did not.

Figure 5: Agencies Serving Handicapped Indian Preschoolers



Notes

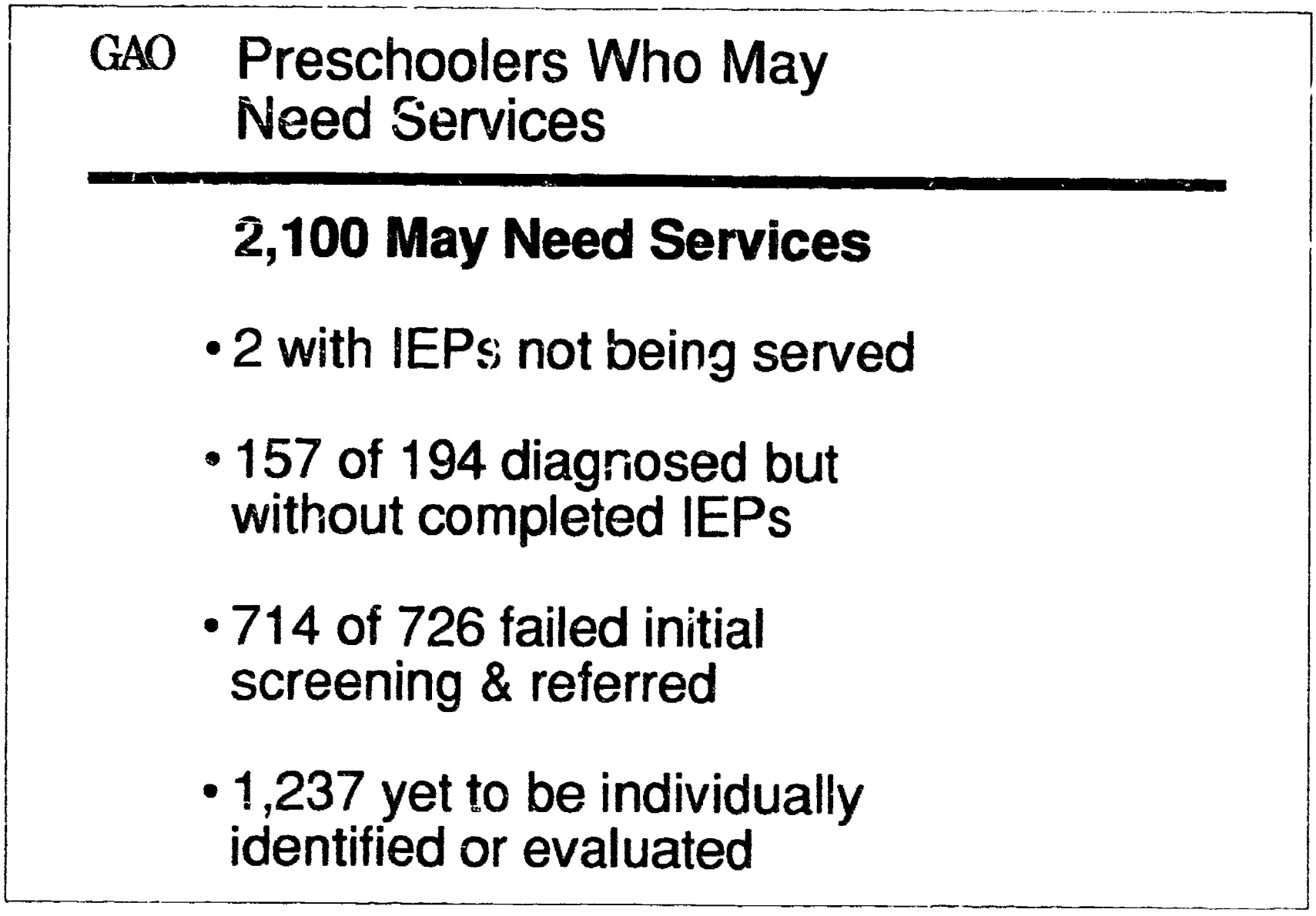
1 Total exceeds number of preschoolers with IEPs because many children receive services from more than one agency

2 BIA is providing funding for a total of 437 handicapped Indian preschoolers, 341 are receiving services directly from BIA and 96 are receiving services provided by other agencies but funded by BIA

Handicapped Indian Preschoolers Who May Need Special Education Services

Of the estimated 2,948 handicapped Indian preschoolers on the 63 reservations with BIA schools, about 2,110 (72 percent) may need, but were not receiving, special education services in school year 1988-89. Each of these preschoolers was in the various stages of being identified as handicapped. Some had been referred for diagnostic evaluations because they had failed screening tests. Others had been diagnosed as handicapped but were without completed IEPs and receiving no services. The majority, however, were those who may be handicapped but who have yet to be individually identified or located (fig. 6). This latter category of potentially handicapped should have been, but were not, identified, at the time of our review, through BIA's child-find activities.

Figure 6



Services Provided to Handicapped Indian Preschoolers Are Insufficient

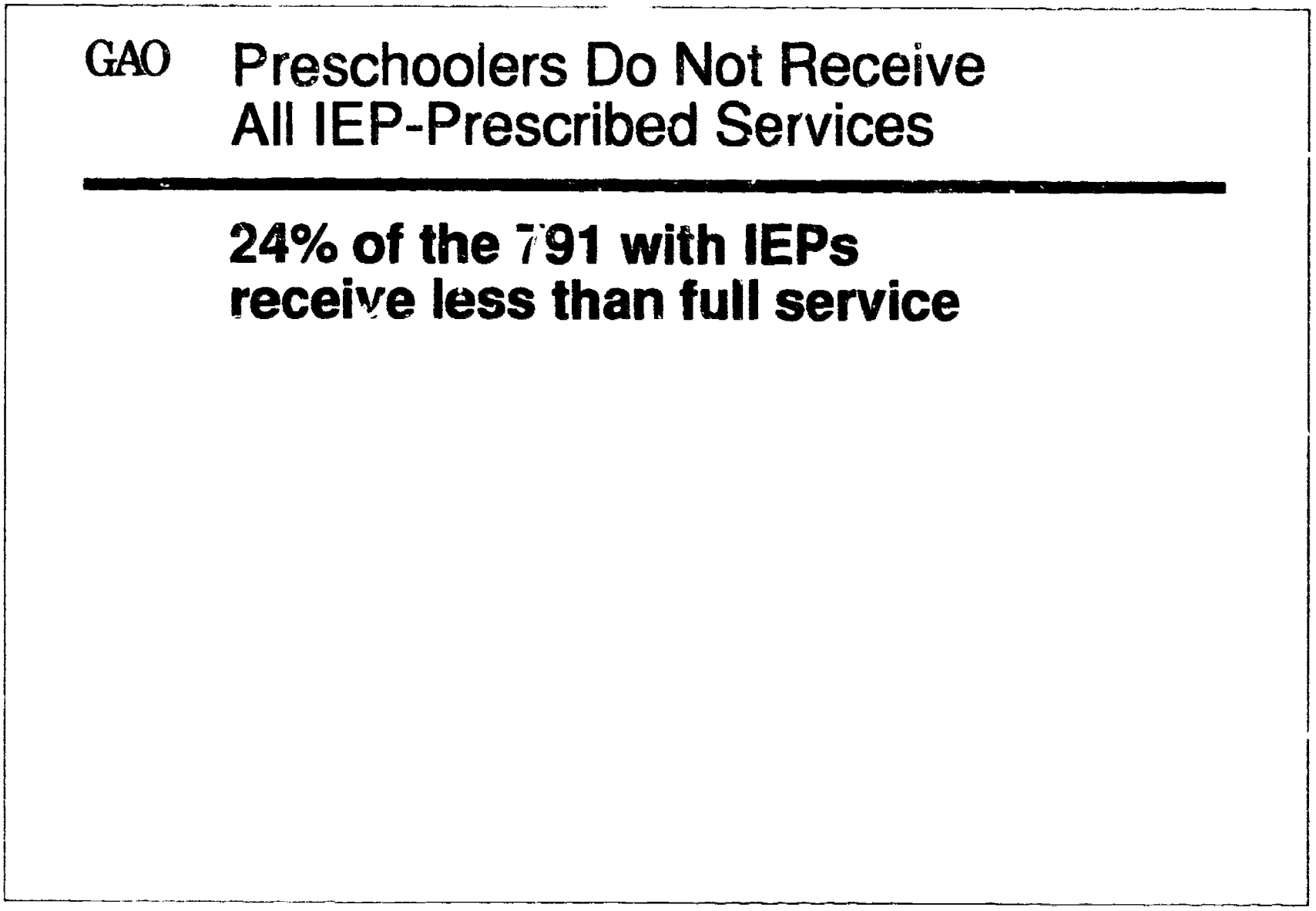
EHA requires that each handicapped child receive an education individually tailored to meet his or her unique needs. However, of the handicapped Indian preschoolers on the reservations with BIA schools receiving special education services in school year 1988-89, a significant percentage received insufficient services. Service information provided by the coordinators shows that at least 24 percent of the 791 handicapped Indian preschoolers with IEPs were receiving fewer services than their IEPs prescribe. Furthermore, because IEPs may lack all the services handicapped children need, the actual percentage of preschoolers who

received fewer services than prescribed may be higher than the 24 percent we calculated.

Preschoolers With IEPs Did Not Receive All the Services They Needed

To determine the sufficiency of services, we analyzed data the coordinators provided; these data concerned the services needed by, and the services being provided to, all 791 handicapped Indian preschoolers with IEPs on the 63 reservations with BIA schools. Based on this analysis, 24 percent of the 791 handicapped Indian preschoolers with IEPs were receiving fewer services than their IEPs prescribe (fig. 7).

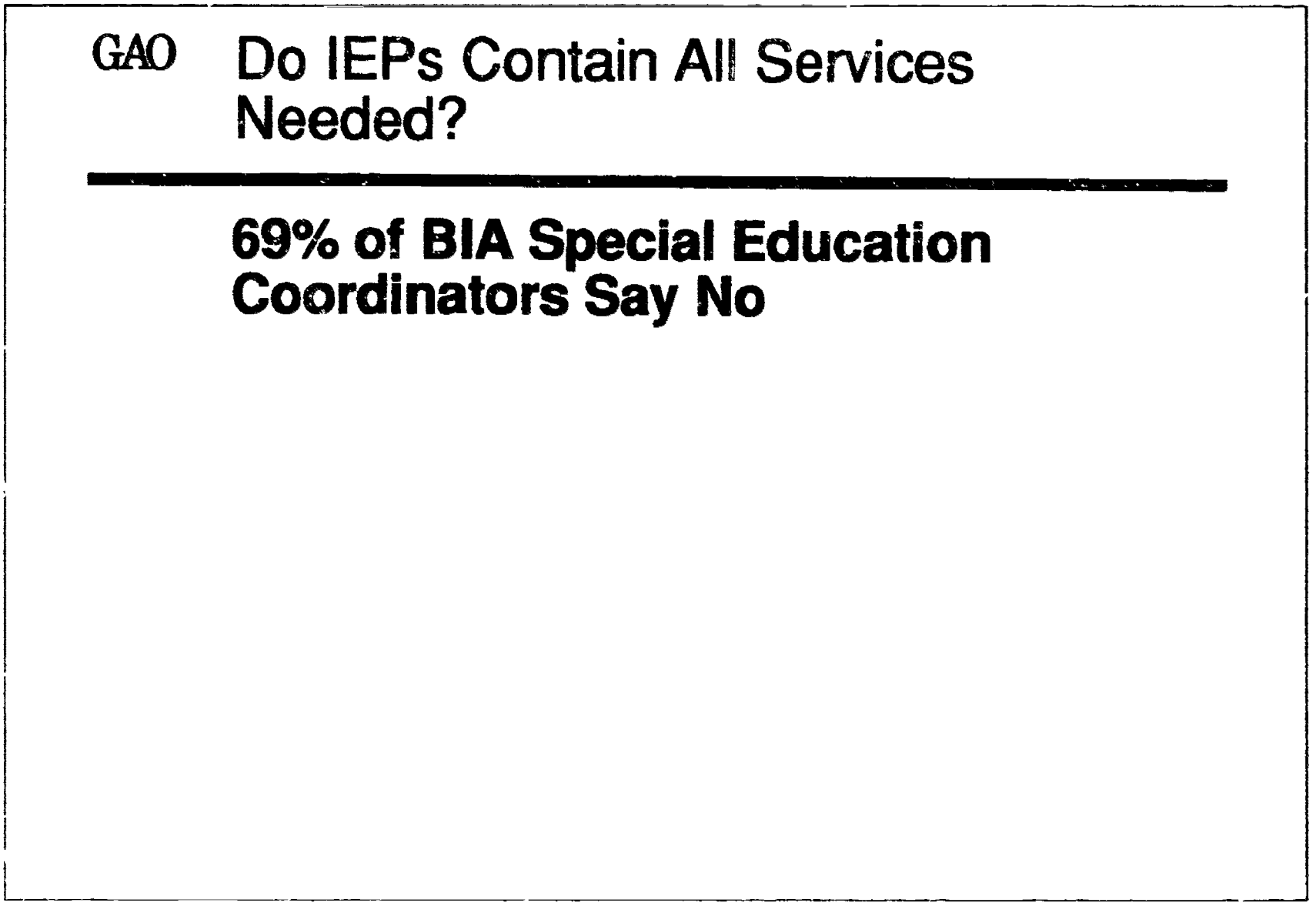
Figure 7



Our analysis of the sufficiency of services provided may overstate the percentage of preschoolers who received all the services they needed. In addition, our survey of the BIA coordinators concerning how IEPs are developed, as well as information presented at 1989 congressional hearings on EHA reauthorization, indicates that (1) IEPs generally lack some of the services recommended for handicapped children and (2) this is because of the shortage of special education personnel throughout the nation.

We were able to discuss how IEPs are developed with 29 of the 32 BIA special education coordinators. Twenty of the 29 coordinators stated

Figure 8



The results of our BIA coordinator survey are consistent with testimony presented to the Senate Subcommittee on the Disability Policy (formerly the Senate Subcommittee on the Handicapped), on April 3, 1989,[6] concerning the effect of the shortage of special education personnel in public school systems:

"...because of the lack of qualified education professionals, school districts are increasingly having to employ strategies that seriously undermine the capacity of

[6]Statement of Dr. William Carriker representing the American Speech-Language-Hearing Association, Council of Administrators of Special Education, Council for Exceptional Children, Council of Graduate Programs in Communication Sciences and Disorders, Higher Education Consortium for Special Education, and the National Association of State Directors of Special Education.

the nation to guarantee the provision of a free appropriate public education to children with handicaps. These strategies include...constraining placement and programmatic decisions to meet available personnel resources rather than child needs."

Uncertainty About Quality of Service Provided

While an evaluation of the quality of special education services being provided was beyond the scope of our review, we found indications that special education services for handicapped Indian preschoolers are often provided by individuals with little specialized training. According to BIA's early childhood program specialist, one reason this occurs is that Head Start programs allow noncertified teachers to educate handicapped children. In addition, this official also told us BIA lacks the staff to remedy the situation.

For example, the majority of the handicapped Indian preschoolers on the Cheyenne River Reservation who received special education services were enrolled in the reservation's Head Start program. These children received services from Head Start teachers, not BIA personnel. Only 8 of the 28 Head Start teachers had teaching credentials, and none of these 8 had training in special education. The other 20 teachers had only a high school or high school equivalency diploma. The teaching staff, who are paid $4 to $6 per hour, has an annual turnover of 35 percent. According to the program's coordinator, these teachers lack the necessary skills to provide special education services, but there are no alternatives.

The director of Head Start's Indian Programs Branch, Washington, D.C., told us that the teachers employed in the other Indian Head Start programs have similar qualifications to those employed in the Cheyenne River program. The qualifications of Head Start's teachers may be significant because (as shown on p. 22) Head Start was providing special education services to about 74 percent of the 791 handicapped Indian preschool children with IEPs on the reservations with BIA schools in school year 1988-89.

BIA's early childhood program specialist told us that handicapped Indian preschool children enrolled in Indian Head Start programs are entitled to receive special education services under EHA, including instruction by certified professionals. However, this official further stated, BIA (1) is currently unable to provide qualified professionals to assist Indian Head Start programs that serve enrolled handicapped children and (2) has few alternatives because of the overall shortage of special education personnel.

Major Reasons for Insufficient Services—Personnel Shortages and Inadequate Funding

According to officials from BIA's Branch of Exceptional Education and its special education coordinators, the major reasons many handicapped Indian preschoolers receive insufficient services are (1) the lack of qualified service providers on or adjacent to Indian reservations and (2) the availability of funds to hire them if they were available.

Personnel Shortages

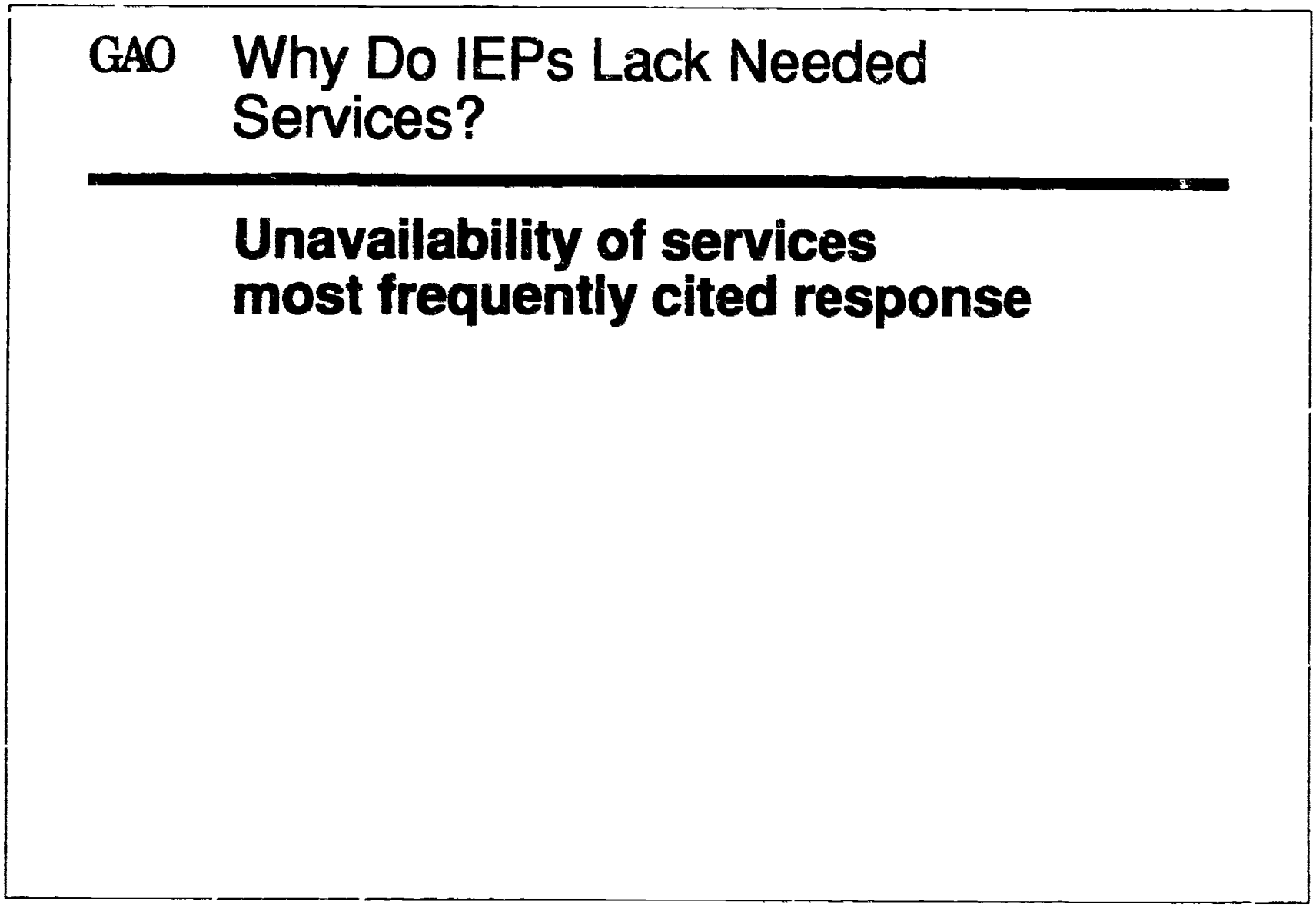
Branch officials told us that BIA encounters difficulties attracting special education personnel to work on reservations. These difficulties are compounded by the nationwide shortage of special education personnel. As a result of these shortages, there are insufficient numbers of qualified teachers and other special education personnel to provide handicapped Indian preschoolers with all the services recommended for them by multi-disciplinary evaluation teams.

BIA's difficulty in attracting teachers is a long-standing problem. BIA stated, in its March 1988 "Report on BIA Education: Excellence in Indian Education Through the Effective Schools Process," that it faces special problems in attracting and retaining teachers. In the report, BIA attributes this problem to such factors as the geographic isolation of many Indian reservations, poorly maintained housing, and low pay.

The difficulty BIA is having attracting special education personnel is illustrated by the number of vacant positions in its special education program. In a July 21, 1989, letter to our office, BIA's Office of Indian Education Programs told us that BIA has at least 61 vacancies in its special education program. The letter said that each of BIA's 32 special education coordinators was asked to compile a list of vacant special education positions and that, as of July 21, 1989, 16 coordinators had responded. They identified 61 vacancies: 35 special education teachers, 14.5 speech or language pathologists, 3 psychologists, 2 coordinators, 1.5 counselors, 1 diagnostician, 1 occupational therapist, 1 education specialist, 1 child-find technician, and 1 classroom aide.

According to the coordinators, the shortage of special education personnel is the prime reason IEPs generally lack all recommended services. Each of the 20 coordinators who told us that IEPs generally lack some recommended services cited the lack of available service providers as one of the reasons (see fig. 9).

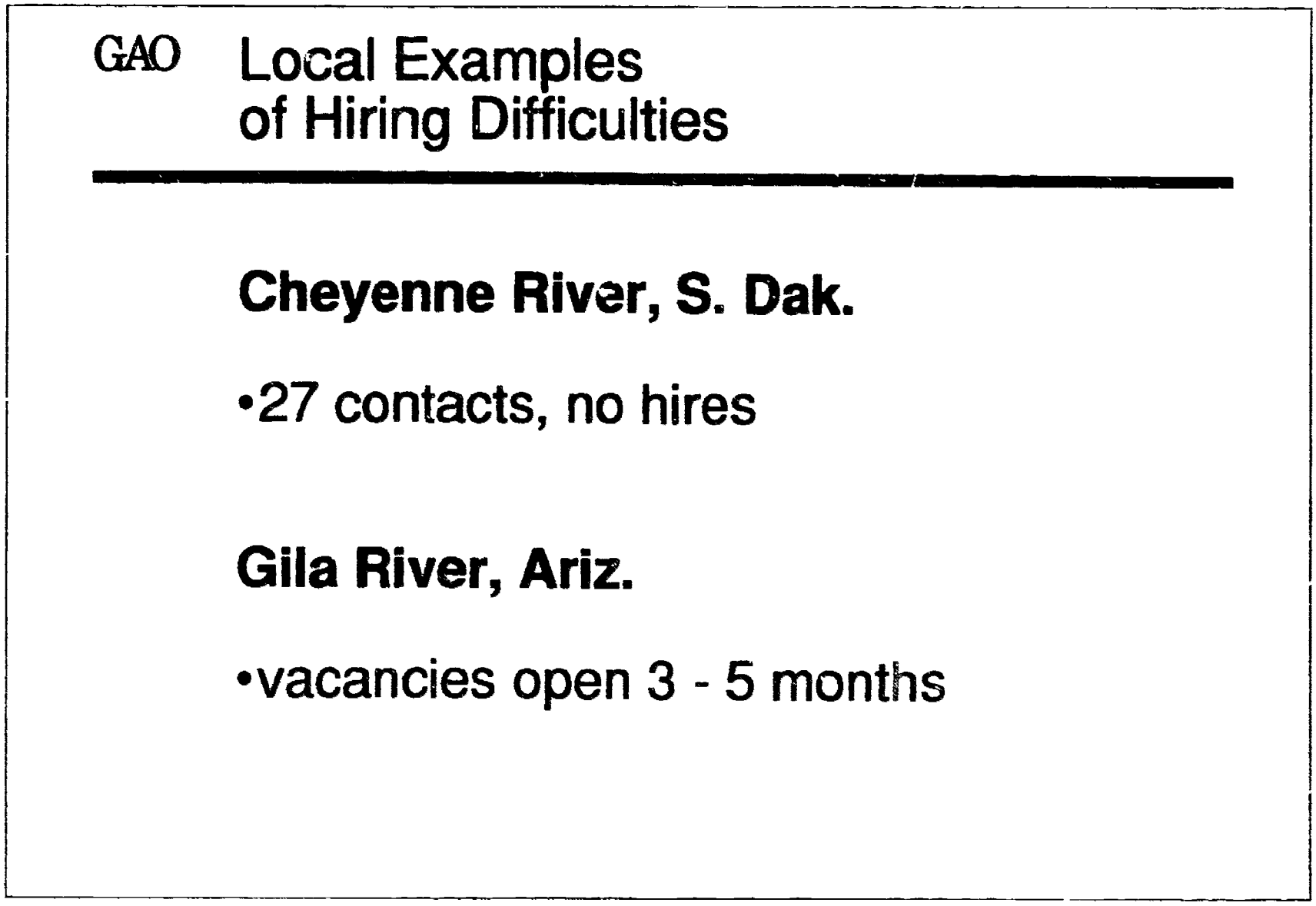
Figure 9



Local Examples

At the Cheyenne River and Gila River Reservations, we identified examples of the difficulties BIA has in obtaining special education personnel. At these reservations, hiring special education personnel was either time-consuming or did not result in the hiring of needed personnel (see fig. 10).

Figure 10



At the Cheyenne River Reservation, special education vacancies went unfilled in school year 1988-89. To fill two vacancies—one speech therapist and one special education teacher—BIA's coordinator at the Cheyenne River Reservation contacted a total of 27 colleges, universities, and individuals, but could not identify a single applicant whom she considered qualified.

At the Gila River Reservation, filling two special education positions took 3 to 5 months in school year 1988-89. One vacancy, for a speech

pathologist, took 5 months to fill. The other vacancy, for a special education teacher, took 3 months to fill. According to the reservation's coordinator, filling special education vacancies is a slow process because the reservation must compete with a major metropolitan area, Phoenix, for the scarce personnel with specialties in early childhood education.

BIA's difficulties in hiring special education personnel mirror the finding of a University of Maryland study of the national shortages in special education personnel. The 1986 study, "Personnel to Educate the Handicapped in America: A Status Report," concluded that "Personnel shortages continue to plague almost every state...." The predominant shortage area reported in the study is speech and language. As discussed in appendix IV, the most common handicapping condition among handicapped Indian preschoolers is speech impairment.

Inadequate Funding

Branch officials told us that BIA lacks sufficient funds to fully serve the handicapped Indian preschoolers enrolled in their special education programs. In their view, additional funds would be necessary to serve additional children, such as the 2,110 preschool children who, we estimate, may need, but have not received, special education services. Branch officials are uncertain of the cost of fully serving all handicapped Indian preschool children (1) currently enrolled in their programs or (2) who may need, but have not received, special education services.

In discussing funding difficulties, branch officials told us that the special education program experienced a severe funding shortfall in school years 1987-88 and 1988-89. Branch officials attributed this to an increased service population and the lack of a specific funding source for preschoolers; because of this, the branch provided only $2.7 of the $4.3 million field offices requested to provide special education services to handicapped Indian preschoolers in school year 1988-89. Branch officials told us that, generally, the field offices responded to this reduced funding by postponing or cancelling their hiring plans and by laying off some employees.

Branch officials told us that they are uncertain of the cost of providing special education services to all handicapped Indian preschool children on the 63 reservations with BIA schools. They also told us they have never developed an overall cost estimate because (1) BIA's funding is determined by, and limited to, the 1.25 percent BIA appropriation set-aside and (2) other agencies also serve handicapped Indian preschoolers; in addition, a reliable estimate is difficult to develop because of the

many factors to be considered, such as severity and type of handicap and accessibility of services.

Agency Responsibility for Special Education Subject to Interpretation

BIA, the Department of Education, and the states have differing interpretations about who must provide services to handicapped Indian children on reservations with BIA schools. These differences could made efforts to serve these children difficult and contribute to BIA's inability to serve some children for whom it is responsible.

In discussing BIA's responsibility under EHA, BIA officials told us that BIA is only responsible for providing special education services to those handicapped Indian preschoolers enrolled in its programs. These officials also told us that other agencies, such as local public school districts and Indian Head Start programs, are primarily responsible for providing services to the handicapped Indian preschoolers enrolled in non-BIA programs.

In commenting on our draft report, Interior reiterated the opinions of BIA officials. Interior stated that (1) in receiving EHA funds, it agreed to assure services to those children enrolled in its programs; (2) if no other agencies will provide services to handicapped Indian children enrolled in non-BIA programs, BIA may do so; and (3) the education delivery system on Indian reservations is too complex to specify, conclusively and without exception, which agency is responsible for providing special education services to handicapped Indian preschoolers on reservations with BIA schools. Interior also provided several examples of the differing educational delivery systems on various reservations.

The Department of Education disagrees with Interior's opinion of BIA's responsibilities under EHA. In a June 19, 1989, policy memorandum, the Department stated that under EHA's section 611 (f), BIA is responsible for providing free and appropriate special education services to those handicapped Indian children who live on the 63 reservations with BIA schools. Department officials told us that this means BIA is solely responsible for all the handicapped Indian children on reservations with BIA schools, even if, for example, local public schools are also located on the reservation.

Officials from the 20 states with reservations with BIA schools have mixed views concerning BIA's and the states' responsibilities for providing special education services to handicapped Indian preschoolers on such reservations. Officials from eight states said their states were

responsible for serving all handicapped Indian children within their states, including those on reservations with BIA schools. Officials from another eight states said their states had no responsibility for the handicapped Indian preschoolers on reservations with BIA schools. These officials said BIA was solely responsible for providing the services needed. Officials from the other four states either were uncertain who was responsible or said the responsibility was shared.

In our opinion, the Departments of Education and Interior, as well as certain states, misunderstand what EHA requires of Interior. We believe that as a condition of accepting EHA funds, Interior assumes primary responsibility for assuring services to all handicapped Indian children living on reservations with BIA schools. In our view, this assurance means that when other agencies do not provide the special education services a handicapped Indian child needs, Interior must provide them. In such instances, Interior does not have an option. However, in those instances in which other agencies agree to provide handicapped Indian children special education services, Interior may be able to discharge its assurance responsibility by, for example, monitoring the services being provided.

The differing views of Interior's EHA responsibility has the potential for allowing handicapped Indian children to be unserved. When there are significant differences of opinion about who is primarily responsible for serving handicapped Indian children—especially when neither BIA nor the state accepts primary responsibility—cooperation in meeting the needs of the children may be difficult to obtain. Further, when agreements are not reached with other agencies to provide services, Interior's position—that it is not primarily responsible—creates the potential for children to be unserved.

Handicapped Indian Preschoolers Who May Attend BIA Schools

We were unable to obtain an estimate of the number of handicapped Indian preschoolers who may attend BIA schools when they reach school age because attendance data for the 63 reservations with BIA schools were unavailable. We requested attendance data showing the number of kindergarten and first-grade Indian students attending BIA schools or public and private schools on each of the 63 reservations with BIA schools.[7] However, complete data for only 20 reservations were provided. On these 20 reservations, approximately 50 percent of the Indian

[7]Of these 63 reservations, 7 reservations have secondary schools only.

children attending kindergarten and first grade were in BIA schools. However, the percentage varies greatly by reservation (see table 3).

Table 3: Indian Kindergartners and First Graders Attending BIA Schools

Figures in percent

Reservation	School year 1988-89	1987-88	1986-87	Average
Acoma, NM	76	81	77	78
Big Cypress, FL	76	85	88	83
Cherokee, NC	85	84	79	82
Cheyenne River, SD	81	80	75	78
Chitimacha, LA	73	68	63	68
Crow Creek, SD	85	90	91	89
Devils Lake, ND	69	62	76	69
Fort Berthold, ND	78	73	73	75
Gila River, AZ	37	41	41	40
Hopi, AZ	59	62	70	64
Isleta, NM	87	87	87	87
Jemez, NM	66	66	64	65
Laguna, NM	54	55	59	56
Lake Traverse, SD	20	35	34	29
Northern Cheyenne, MT	13	11	19	14
Rosebud, SD	16	18	18	17
Standing Rock, ND	38	41	43	40
Papago, AZ	40	38	42	40
Puyallup, WA	30	22	47	31
Yankton, SD	32	31	31	31
Total	**49**	**50**	**53**	**51**

Conclusions

At the time of our review, BIA had not, as its regulations (25 C.F.R. 45.11) require, individually identified and located all Indian preschoolers who are thought to be handicapped. We believe that if BIA fully complied with its child-find regulations, it would be better able to work with other service providers—such as Indian Head Start programs and local public school districts—to meet the special educational needs of handicapped preschoolers. As a result, these children would have a better chance of receiving the services that EHA legislation requires they be provided.

Recommendation to the Secretary of the Interior

We recommend that the Secretary of the Interior direct the Assistant Secretary for Indian Affairs to fully implement the requirements of 25 C.F.R. 45.11. Concerning this, the Assistant Secretary should take actions to assure that each BIA field office annually identifies and locates every preschooler on the 63 reservations with BIA schools thought to be handicapped and in need of special education services.

Technical Description of the Methodologies Used to Estimate the Number of Handicapped Indian Preschoolers

In this appendix, we discuss the two methodologies we used to estimate the number of handicapped Indian preschoolers. We also present a table comparing the results of each methodology, when direct comparisons could be made, for the 24 reservations.

For the 63 reservations with BIA schools, we developed and used a data collection instrument (see app. V), completed by BIA's 32 special education coordinators, to determine the number of handicapped Indian preschoolers.

Using this data collection instrument, the coordinators gathered information on two populations of handicapped Indian preschoolers. The first population is those children who were diagnosed as having a handicapping condition or who were referred for a diagnostic evaluation. The second population is the coordinators' estimates of the additional number of handicapped Indian preschool children who have yet to be identified or diagnosed. Each of the 32 coordinators provided this information for the reservations he or she serves.

The coordinators gathered information on the first population from special education service providers on the reservation, including BIA programs, Head Start programs, IHS facilities, local health or social service agencies, public schools, private profit or nonprofit agencies, and tribal organizations.

The coordinators used a variety of methods to estimate the number of Indian preschoolers who may be handicapped, but have yet to be identified or diagnosed. Some of these methods included door-to-door canvassing; discussions with health care providers such as IHS, tribal health organizations, and public clinics; and applying handicapping prevalence rates to the number of those aged 3 and 4 on tribal rosters or in IHS birth records.

To estimate the number of handicapped Indian preschoolers for each state that has reservations and for all areas of Alaska and Oklahoma, we used (1) data from IHS's patient registration system and (2) a study of the rates of handicapping conditions among Native Americans. From IHS's patient registration system, we obtained an estimate of the number of preschoolers aged 3 and 4. From "A Study of the Special Problems and Needs of American Indians with Handicaps Both On and Off the

Reservation,"[1] we obtained estimates of the rates of handicapping conditions. We then multiplied the estimated number of preschoolers aged 3 and 4 by the prevalence rates.

IHS's patient registration system contains records of each patient treated or born at any IHS or tribally operated health care facility. According to IHS officials, 99 percent of Indian children are born at IHS or tribal facilities. In addition, IHS officials believe they identify the Indian children born at non-IHS facilities as these children subsequently come in for treatment. For these reasons, we believe using a patient census serves as an adequate substitute for an actual census of Indian preschoolers.

IHS maintains the patient registration data by its service units, not each reservation. A service unit is IHS's basic health organization for a geographic area, with most service units providing health services to more than one reservation. For this reason, reservation-specific data were unavailable for most reservations.

Because Indian children attend BIA schools as well as private and public schools, the NARTC study presents two sets of prevalence rates for handicapping conditions: one set based on data from BIA schools and one set based on data from public schools. BIA's data are based on enrollment figures for children aged 5 to 21 attending its schools for school year 1986-87. The public school data are based on a survey conducted by the Department of Education's Office for Civil Rights (OCR) during school year 1984-85. Title VI of the Civil Rights Act of 1964, along with title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, requires the Department of Education to conduct an annual survey of handicapped children. The OCR survey was of handicapped children aged 3 to 21 or 5 to 21, depending on the state mandate for services to children with handicapping conditions.

According to the NARTC study, both sets of prevalence rates have limitations. BIA's data inflated the prevalence rates by including some speech-impaired children, as well as the handicapped children in residential facilities, in more than one handicapping category; this overstated the actual number of handicapped children and the prevalence rates. Based on data in the NARTC study, we estimate an overstatement of 21 percent. Despite this overstatement, the researchers used BIA's data in computing prevalence rates; they did this because they believed

[1] Native American Research and Training Center (NARTC), University of Arizona and Northern Arizona University (Sept. 1987).

that the need for services might be better reflected in duplicated counts since individuals with multiple handicapping conditions need different types of rehabilitative services. The OCR data understate prevalence rates because they exclude certain handicapping conditions specified in EHA. Concerning this, OCR's 1984 survey did not include all the categories of handicapping conditions specified in EHA at the time of the survey; the deaf, hard of hearing, orthopedically impaired, other health impaired, and visually handicapped categories were excluded. We estimate this caused the prevalence rate to be understated about 8 percent.

Comparing the Results

To assess the reliability of IHS data and NARTC prevalence rates, we compared the coordinators' estimates with those we developed. Of the 24 reservations for which direct comparisons could be made, the estimates were comparable. BIA's coordinators estimated that there are a total of 1,170 handicapped Indian preschoolers on these 24 reservations. On the basis of the IHS data and the NARTC prevalence rates, we calculated that there are between 1,128 and 1,877 handicapped Indian preschoolers on the same 24 reservations (see table I.1).

Estimated Handicapped Indian Preschool Population by State

State	Total children	OCR rate[a]	Estimate	BIA rate[b]	Estimate
Alaska	18,987	13.20	2,506	[c]	3,207
Alabama	32	5.82	2	[c]	5
Arizona	20,711	9.62	1,992	12.00	2,485
California	4,270	6.40	269	3.55	152
Colorado	265	5.42	14	[c]	45
Connecticut	18	2.52	0	[c]	3
Florida	151	5.29	8	17.00	26
Idaho	559	12.58	70	26.88	150
Iowa	0	11.00	0	14.86	0
Kansas	237	8.40	20	[c]	40
Louisiana	29	5.05	2	[c]	5
Maine	118	15.34	18	13.29	15
Michigan	608	5.39	33	[c]	102
Minnesota	1,076	15.23	164	42.17	454
Mississippi	327	4.71	15	23.71	78
Montana	3,088	11.81	365	21.18	654
North Carolina	346	11.48	40	14.90	52
North Dakota	1,716	15.71	270	18.92	325
Nebraska	698	14.17	99	[c]	118
New Mexico	3,917	8.86	347	16.58	650
Nevada	819	8.90	73	[c]	139
New York	501	5.76	29	[c]	85
Oklahoma	13,016	9.59	1,248	14.92	1,942
Oregon	946	11.94	112	23.52	222
Rhode Island	55	10.32	6	[c]	9
South Dakota	2,786	12.92	360	19.83	552
Texas	0	6.52	0	[c]	0
Utah	235	11.22	26	28.89	68
Washington	2,498	9.34	232	27.34	684
Wisconsin	1,193	9.13	109	36.18	431
Wyoming	540	13.04	70	16.15	87
Total	**79,742**		**8,499**		**12,785**

[a]Handicapping condition prevalence rate based on Department of Education's Office for Civil Rights (OCR) survey conducted during school year 1984-85.

[b]Handicapping condition prevalence rate based on enrollment data from BIA schools for school year 1986-87.

[c]State-specific prevalance rates are unavailable for those states with reservations without BIA schools. In these 12 states, we used the national average of 16.89 percent in obtaining our estimates.

Estimated Handicapped Indian Preschoolers on Reservations With BIA Schools

Reservation	Diagnosed	Referred	IEP completed	Estimated others	Total
Arizona					
Fort Apache	0	0	9	35	**44**
Gila River	7	13	38	41	**99**
Havasupai	0	0	0	4	**4**
Hopi	0	1	3	0	**4**
Navajo[a]	112	240	130	238	**720**
Papago	0	14	2	4	**40**
Salt River	0	0	9	5	**14**
Subtotal	**119**	**288**	**191**	**327**	**925**
Florida					
Big Cypress	0	0	10	4	**14**
Miccosukee	2	0	0	4	**6**
Subtotal	**2**	**0**	**10**	**8**	**20**
Idaho					
Coeur d'Alene	1	0	8	0	**9**
Fort Hall	0	0	18	5	**23**
Subtotal	**1**	**0**	**26**	**5**	**32**
Iowa					
Sac and Fox	0	1	8	12	**21**
Kansas					
Kickapoo	1	0	9	7	**17**
Louisiana					
Chitimacha	0	0	0	3	**3**
Maine					
Passamaquoddy	0	14	0	4	**18**
Penobscot	1	3	0	7	**11**
Subtotal	**1**	**17**	**0**	**11**	**29**
Michigan					
Hannahville	1	20	0	45	**66**

(continued)

Reservation	Diagnosed	Referred	IEP completed	Estimated others	Total
Minnesota					
Fond Du Lac	4	8	11	50	**73**
Leech Lake	0	4	8	0	**12**
Mille Lacs	7	5	32	75	**119**
White Earth	7	211	3	55	**276**
Subtotal	**18**	**228**	**54**	**180**	**480**
Mississippi					
Mississippi Choctaw	0	1	5	16	**22**
Montana					
Flathead	4	5	6	4	**19**
Northern Cheyenne	3	1	11	0	**15**
Rocky Boy	1	0	12	43	**56**
Subtotal	**8**	**6**	**29**	**47**	**90**
Nevada					
Duckwater	0	0	0	3	**3**
Pyramid Lake	1	0	3	2	**6**
Subtotal	**1**	**0**	**3**	**5**	**9**
New Mexico					
Acoma	2	3	7	2	**14**
Alamo Navajo	0	5	0	1	**6**
Canoncito	0	2	6	2	**10**
Isleta	1	8	6	2	**17**
Jemez	7	4	1	2	**14**
Laguna	3	5	6	20	**34**
Ramah Navajo	1	0	4	0	**5**
San Felipe	0	0	4	1	**5**
San Ildefonso	0	0	0	10	**10**
San Juan	0	1	0	10	**11**
Santa Clara	0	1	0	10	**11**
Taos	0	1	0	10	**11**
Tesuque	0	0	0	0	**0**
Zia	0	3	4	1	**8**
Subtotal	**14**	**33**	**38**	**71**	**156**
North Carolina					
Eastern Cherokee	2	1	17	26	**46**

(continued)

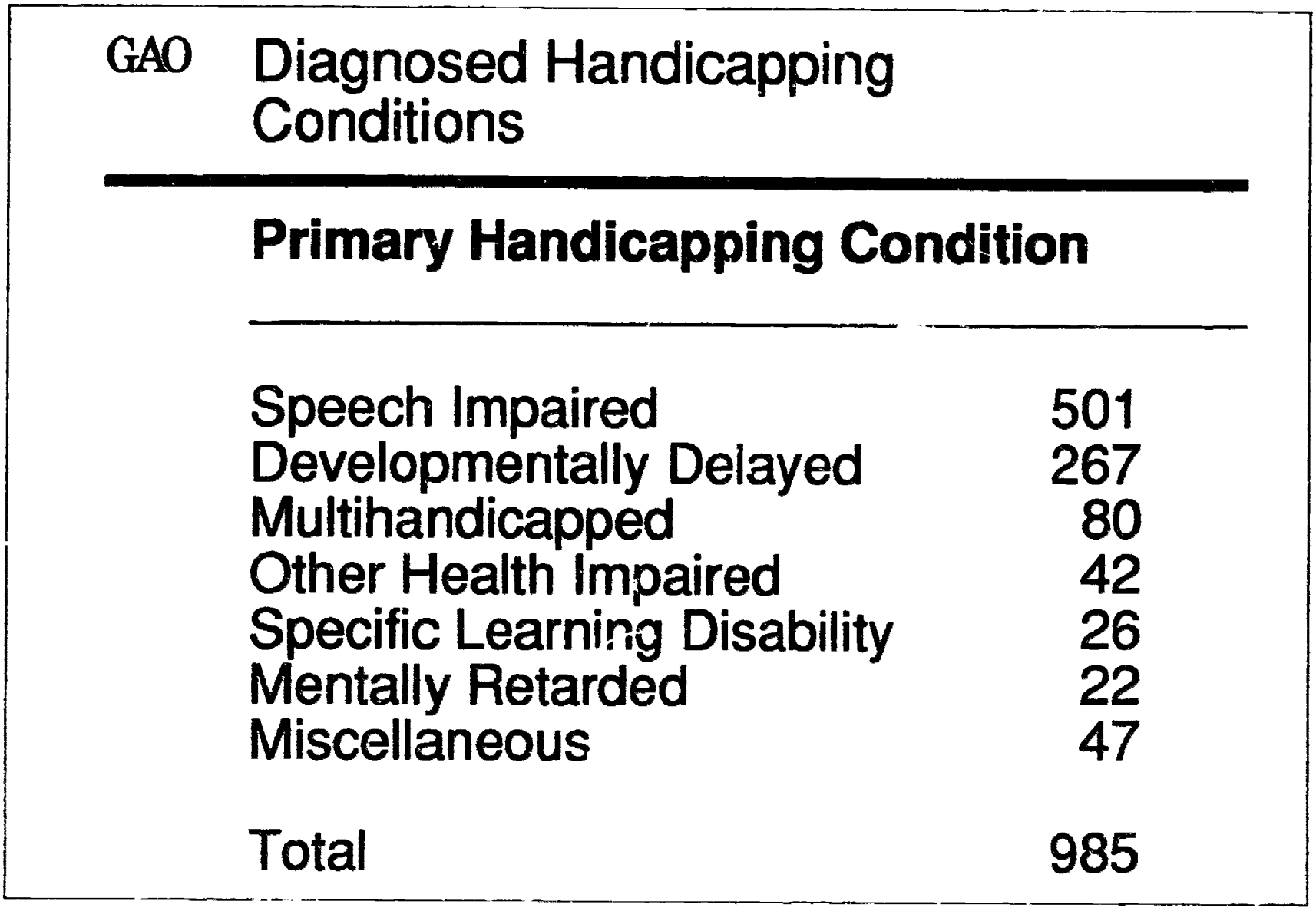
Reservation	Diagnosed	Referred	IEP completed	Estimated others	Total
North Dakota					
Devils Lake	3	0	15	12	**30**
Fort Berthold	0	1	7	86	**94**
Standing Rock	0	0	61	50	**111**
Turtle Mountain	2	6	36	9	**53**
Subtotal	**5**	**7**	**119**	**157**	**288**
South Dakota					
Cheyenne River	0	2	47	9	**58**
Crow Creek	0	1	12	2	**15**
Lake Traverse	0	22	3	0	**25**
Lower Brule	1	0	9	1	**11**
Pine Ridge	1	59	18	0	**78**
Rosebud	2	0	19	3	**24**
Yankton	2	0	12	11	**25**
Subtotal	**6**	**84**	**120**	**26**	**236**
Washington					
Colville	1	0	11	50	**62**
Lummi	9	0	9	10	**28**
Muckleshoot	0	0	2	5	**7**
Nisqually	0	0	1	1	**2**
Puyallup	0	0	30	5	**35**
Quileute	0	0	0	6	**6**
Yakima	0	0	17	22	**39**
Subtotal	**10**	**0**	**70**	**99**	**179**
Wisconsin					
Lac Courte Oreilles	1	10	9	50	**70**
Oneida	1	2	36	65	**104**
Subtotal	**2**	**12**	**45**	**115**	**174**
Wyoming					
Wind River	3	28	47	77	**155**
Total	**194**	**726**	**791**	**1,237**	**2,948**

[a]Also includes children living on the Navajo Reservation in Colorado, New Mexico, and Utah.

Diagnosed Handicapping Conditions Among Indian Preschoolers

According to information the coordinators obtained from preschoolers' IEPs and from diagnostic evaluation reports when IEPs were incomplete, the most common primary handicapping conditions among Indian preschool children are speech impairments and developmental delays (see fig. IV.1). Speech impairments include all types of communication problems such as the inability to express thoughts and ideas and to understand what is spoken, stuttering, and articulation and voice impairments. Developmental delays are deficiencies in one or more of the following areas: cognitive development, physical development, language and speech skills, psycho-social development, or self-help skills.

Figure IV.1: Diagnosed Handicapping Conditions



GAO's Data Collection Instrument

UNITED STATES GENERAL ACCOUNTING OFFICE
SURVEY OF HANDICAPPED INDIAN CHILDREN

The U.S. General Accounting Office (GAO), an agency of Congress, is required by P.L. 100-297 (Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988) to conduct a study of handicapped Indian children. Specifically we were asked to determine the number of handicapped Indian children ages 3 through 4, from federally recognized tribes who are eligible for services that are provided by the Bureau of Indian Affairs (BIA). In addition, we are required to collect information on the scope and nature of existing preschool special education services available to this group of Indian children. GAO is working in cooperation with BIA's Office of Indian Education Programs in this important effort. Please read the information below and the instructions before completing the attached forms. Your help in this effort is greatly appreciated.

OBJECTIVES: This survey is divided into three sections.

SECTION 1: CHILD IDENTIFICATION FORM - The objective of this section is to collect information on every handicapped Indian child between the ages of 3 through 4 that has either been referred for diagnostic evaluation, been identified as handicapped for purposes of preparing an individualized education plan (IEP), or currently has a completed or partially completed IEP. Specifically, we are interested in documenting the handicapping condition and the types of services the child is receiving.

SECTION 2: ESTIMATE OF TOTAL HANDICAPPED INDIAN CHILDREN - The objective of this section is to ESTIMATE any additional handicapped Indian children residing in your geographic area of responsibility that were not identified in SECTION 1. Your estimate could be based on, for example, the current prevalency rate of all handicapped Indian children in your area in certain elementary grades and your first hand experience with the tribes.

SECTION 3: OVERALL VIEWS - The objective of this section is to collect the views of the BIA Special Education Coordinators concerning various issues relating to the delivery of special education services to preschool handicapped Indian children.

Please provide the name, title, and telephone number of the primary person responsible for completing the attached forms in the event that further information is required.

Name of Primary Contact Person: _____

Official Title and Location: _____

Telephone Number: Area Code (____) _____ or FTS _____

If you have any questions concerning any section of this document, please contact Edward M. Zagalo at (213) 894-2589 or FTS 798-2589. You will be provided a business reply envelope to return the completed forms. If this envelope is misplaced, return the forms to the address shown at the end of this document. Please return these forms by February 1, 1989.

SECTION 1 - INSTRUCTIONS AND DEFINITIONS

The following section asks for a count of the number and types of 3 through 4 year old handicapped Indian children. For purposes of this survey, we have developed definitions in response to some of your questions. Please review these prior to completing any of the attached forms.

QUESTIONS	ANSWERS
"Who are you considering to be an Indian child?"	Any child who is eligible for a "Certificate of Indian Blood" from a federally recognized tribe who is living "on or near" a reservation that has BIA-operated or -contracted schools.
"What is the definition of handicapped?"	Any of the 11 conditions listed in P.L. 94-142, the Education of the Handicapped Act and, in addition, we are including the category of "Developmentally Delayed".
"For SECTION 1, who exactly do we count?"	Any child that meets the above definitions AND has been referred for evaluation and, in your opinion, is likely to be handicapped, OR has been evaluated by a multidisciplinary evaluation team and found to have a handicapping condition, OR has a completed IEP.
"Do we complete one form for EACH handicapped child we can identify?"	Yes, for each child you can identify that meets the above definitions, complete one "CHILD IDENTIFICATION FORM".
"Would we count a handicapped Indian child that is living off the reservation?"	Yes, if the child meets the above definitions and, in your opinion, is living "near" the reservation.
"Will we count a handicapped Indian child regardless of who's providing the services?"	Yes, if the child meets all the above conditions, it doesn't matter who is providing the services.
"When you talk about services, you use the term 'Special Education Services'. What is the definition of this?"	Specially designed instruction including, but not limited to, cognitive and social development, and self help skills provided by or under the direction of a person certified in special education or early childhood special education. This includes direct, indirect and itinerant service.
"In Section 1 you ask for a child's name. If the child is being served by a public school thy may not give us the child's name."	In that case just provide the other information and check "Name Not Available".
"What about requested information that might be missing?"	Complete as much as you can for each identified child.
"Who is considered to be a 3 or 4 year old?"	Any identified handicapped Indian child born between December 1, 1983 and November 30, 1985.

SECTION 1 - INSTRUCTIONS AND DEFINITIONS (con't)

QUESTIONS	ANSWERS
"What if we do not have a date of birth for a child?"	If the date of birth is not available AND you believe the child is 3 through 4, indicate the child's approximate age and complete the other items.
"Does GAO have the authority to collect information from a child's IEP?"	Yes, the laws that govern GAO give us access to any records that relate to any ongoing study.
"How will we report this information to GAO?"	First, for each handicapped Indian child you identify, complete one "CHILD IDENTIFICATION FORM" on which you will also indicate the BIA School Code for the attendance boundary in which the child has his or her primary residence. When you've completed all the forms for SECTION 1, you'll add up all the handicapped Indian children living in EACH attendance boundary for which you are responsible. Totals for each attendance boundary will be used in SECTION 2.
"What if a handicapped Indian child lives near the reservation and not within any BIA attendance boundary?"	In that case, assign the child to the attendance boundary which is, in your opinion, closest to his or her primary residence.
"How will GAO report the information it obtains from the IEPs?"	Only in summary form - no individual information will be in our report and no individual child will be identified.
"Will any other agency have access to this information?"	Yes, some of the information will be given to BIA's Office of Indian Education Programs. They want to start a student data base similar to their K-12 data base. However, we will not release to BIA your responses to Question 11, Column 3 asking if a child is actually receiving the services prescribed in the IEP.
"If I can't actually review the children's IEP, can I get the information by phone?"	Yes, but as you are receiving the information over the phone, record it directly onto the form; don't summarize it on a piece of paper and then record it later on the form.

SECTION 1

CHILD IDENTIFICATION FORM

/_/_/_/_/_/_/_/_/_/_/
(Please leave blank)

1. Name _____ Last _____ _____ First _____ MI Check if Name Not Available |_|

2. Sex |_| M |_| F 3. Date of Birth |_|_| Mo |_|_| Day |_|_| Yr 4. Approximate age (ONLY if date of birth unknown) |_|

5. Name of Reservation _____ 6. State |_|_|

7. BIA School Code (Attendance boundary in which child has primary residence) |_|_|_| - |_|_|

8. Which of the following BEST describes this child? (CHECK ONLY ONE)

1. |_| Referred for diagnostic evaluation BUT evaluation NOT completed/HAS NOT occurred yet -->GO TO QUESTION 18
2. |_| Evaluation completed and handicap identified BUT the IEP not developed.
3. |_| IEP completed.

9. What is this child's PRIMARY handicapping condition? (CHECK ONLY ONE)

1. |_| Developmentally Delayed
2. |_| Speech Impaired
3. |_| Mentally Retarded
4. |_| Other Health Impaired
5. |_| Multihandicapped
6. |_| Seriously Emotionally Disturbed
7. |_| Hard of Hearing
8. |_| Deaf
9. |_| Visually Handicapped
10. |_| Specific Learning Disability
11. |_| Orthopedically Impaired
12. |_| Deaf-Blind

10. Currently, what organization or agency, if any, is providing special education services AND/OR related services to this child? If the child DOES NOT have an IEP and IS NOT receiving service, mark "NO IEP-NOT RECEIVING SERVICE". If the child HAS an IEP and IS NOT receiving service, mark "HAS IEP-NOT RECEIVING SERVICE". (CHECK ALL THAT APPLY)

1. |_| NO IEP-NOT RECEIVING SERVICES --►STOP YOU'RE FINISHED
2. |_| HAS IEP-NOT RECEIVING SERVICES --►GO TO QUESTION 12
3. |_| Head Start
4. |_| BIA (operated or contracted)
5. |_| Tribe
6. |_| Indian Health Service (IHS)
7. |_| local public school
8. |_| local social/health agency
9. |_| Private profit/nonprofit organization
10. |_| Other (specify) _____

11. Please indicate below if this child is receiving any services in a "home based" setting (e.g. physical therapist travels to the child's home to provide the service), receiving services in a "center based" setting (e.g. speech therapist provides services at a Head Start preschool) AND/OR receiving service in an "institutional setting".

SETTING	"Is the child receiving any services in this setting?"	
1. Home base setting	Yes ( )	No ( )
2. Center based setting	Yes ( )	No ( )
3. Institutional setting	Yes ( )	No ( )

12. For each service listed below, please indicate in:

Column 1: Is this service included in the child's IEP or, for those children whose IEP is not complete, is this child CURRENTLY receiving this service?

Column 2: For each service that is included in the child's IEP or is CURRENTLY being received by the child without an IEP ("YES" in Column 1), are BIA funds used to fund any or all of that service?

Column 3: For each service checked "YES" in Column 1, mark "FULL SERVICE" if the child is receiving the IEP prescribed level of service (or for those without an IEP, receiving, in your opinion, the appropriate level of service); mark "PARTIAL SERVICE" if the child is receiving service but it is less than "FULL SERVICE"; and for ONLY those children WITH AN IEP, mark "NOT RECEIVING SERVICE" if the service is prescribed in the IEP but the child IS NOT receiving the service at all.

	Column 1		Column 2		Column 3		
	"Is this service in the IEP - OR being received?"		"Are BIA funds used to provide any or all of the service?"		"If this service is in the child's IEP, what level of service is the child currently receiving?"		
SERVICES	YES	NO	YES	NO	Full Service	Partial Service	Not Receiving Service
1. Special Ed. Services							
2. Speech Therapy							
3. Occupational/Physical Therapy							
4. Parent Counseling and Training							
5. Audiology							
6. Transportation							
7. Psychological Services							
8. Other (specify)_____ _____							

SECTION 2 - INSTRUCTIONS AND DEFINITIONS

This section asks for your estimate of handicapped Indian children NOT included in SECTION 1: CHILD IDENTIFICATION FORM. As in SECTION 1, we are interested in handicapped Indian children ages 3 through 4. Below are some examples of different methods you could use to develop your estimate. The definitions we used in SECTION 1 also apply here. Please read the questions and answers below before you complete SECTION 2.

QUESTIONS	ANSWERS
"Should my estimate include all the reservations for which I am responsible that have BIA-operated or -contracted schools?"	Yes, but we would like you to develop AND report your estimate by School Code attendance boundary. That is, for each School Code in your geographic area, estimate the number of 3 through 4 year old handicapped Indian children you believe reside in the attendance boundary for that school.
"What are some acceptable ways for me to estimate these numbers?"	No one method will work in all geographic areas and good judgment is important. If you knew, for example, that the overall handicapped rate among Indian children in kindergarten was 13%, you could apply that percentage to the total number of 3 through 4 year olds in an attendance boundary then subtract out those children you identified in SECTION 1.
"Does that assume we know the total number of 3 through 4 year olds?"	This example does - you might be able to get that information from I.H.S., tribal records, or your state's vital statistics office.
"What if we have a good estimate already - from referral lists?"	If you already have counts from referrals and your general knowledge of the geographic area - use that.
"If we have evaluated and identified all children in an attendance boundary, do we still make an estimate?"	No, for that attendance boundary there would be no estimate - your total count would be your number from SECTION 1.
"Can we combine different methods to come up with one estimate?"	Yes, you could use, for example, information from I.H.S., public schools, social services, etc.
"How should we describe the methods we used?"	Describe as completely as you can (1) the procedures you used to develop the actual estimate and (2) any specific information source you used such as I.H.S., handicapped counts from public schools, etc.
"Do you want this estimate for each of the handicapping conditions?"	No, you do not have to break out the different handicapping conditions.

SECTION 2: ESTIMATE OF TOTAL HANDICAPPED INDIAN CHILDREN

In this section we would like you to ESTIMATE the total number of handicapped 3 through 4 year old Indian children that reside in the ATTENDANCE BOUNDARIES of the BIA schools in the geographic area for which you are responsible. Please read the instructions below before completing the form.

INSTRUCTIONS:

Column 1: List all BIA School Codes (and the name of the reservation) whose attendance boundaries are in the geographic area(s) for which you are responsible.

Column 2. Indicate the total number of handicapped Indian children you identified in SECTION 1 for each BIA School Code attendance boundary. If you did not identify any children from a particular School Code attendance boundary, ENTER "0".

Column 3: For EACH BIA School Code, estimate the number of any additional handicapped 3 through 4 year old Indian children that you DID NOT include in Column 2. If you included them all in Column 2, ENTER "0".

Column 4: Briefly describe the method(s) you used to develop your estimate and identify any information sources you used.

Column 1 School Code and Reservation	Column 2 Identified Handicapped Children From SECTION 1	Column 3 Estimated Additional Handicapped Children	Column 4 Description of Estimation Method(s)
1. ____ - ___ _____	_____	_____	
2. ____ - ___ _____	_____	_____	
3. ____ - ___ _____	_____	_____	
4. ____ - ___ _____	_____	_____	
5. ____ - ___ _____	_____	_____	

SECTION 2: ESTIMATE OF TOTAL HANDICAPPED INDIAN CHILDREN (con't)

Column 1 School Code and Reservation	Column 2 Identified Handicapped Children From SECTION 1	Column 3 Estimated Additional Handicapped Children	Column 4 Description of Estimation Method(s)
13. _____			
14. _____			
15. _____			
16. _____			
17. _____			
18. _____			
19. _____			
20. _____			

SECTION 5: OVERALL VIEWS

Please use the space below to write any additional comments you have concerning the delivery of special education and related services to 3 through 4 year old handicapped Indian children. The views you express here should reflect your experiences in your current position and the geographic area you cover.

THANK YOU FOR YOUR COOPERATION
Return the completed forms to:

Edward M. Zagalo
U.S. General Accounting Office
350 South Figueroa Street
Suite 1010
Los Angeles, CA 90071

Comments From the Department of the Interior

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

NOV 1 - 1989

Mr. William J. Gainer
Director, Education and Employment Issues
U.S. General Accounting Office
441 G Street N.W., Room 6854
Washington, D.C. 20548

Dear Mr. Gainer:

Thank you for the opportunity to comment on the draft report to the Congress entitled Special Education: Estimates of Handicapped Indian Preschool Children and Sufficiency of Services. The Department of the Interior agrees with many of the findings of the General Accounting Office, however, there are several sections of the report that require further clarification and explanation. The Department of the Interior's comments are included in the enclosed document.

Sincerely,

Walter R Mills

Acting Assistant Secretary - Indian Affairs

Enclosure

U.S. DEPARTMENT OF INTERIOR
RESPONSE TO THE GAO DRAFT REPORT

"SPECIAL EDUCATION: ESTIMATES OF HANDICAPPED INDIAN PRESCHOOL CHILDREN AND SUFFICIENCY OF SERVICES"

The Department of Interior agrees with much of the GAO's analysis of the estimates of handicapped Indian preschool children and the sufficiency of services for these children, however, several sections of the report require further clarification and/or comment.

Now on p. 3.

1. Executive Summary (page 5)

"On the reservations with BIA schools, 2,110 of the estimated 2,948 handicapped Indian preschoolers may need but were not receiving special education and/or related services....Most of the 2,110 children who we believe may need services have yet to be individually identified or diagnosed as handicapped by the multidisciplinary evaluation teams. Consequently, we cannot provide a precise estimate of the number of children who actually need services. (See pp. 27-34.)"

Now on pp. 18-23.

Department of Interior Response

BIA Special Education Coordinators provided an estimate of the number of children who may be handicapped. In all cases, the estimate represented children who are suspected of being handicapped. It is not an estimate of children who are not receiving services. Other references to this estimate are made on pages 10, 22, 27, 29, 33, 37, 38, 60, and 61 of the report.

Now on pp. 15, 18, 19, 21, 22, 25, and 38.

Now on p. 5.

2. Executive Summary (page 6)

"Enrollment and population data were unavailable from BIA national or local officials to estimate reliably the number of handicapped preschoolers who might, upon reaching school age, attend reservation schools rather than the public or private schools located on or near these reservations. However, 20 reservations provided data indicating approximately 50 percent of the total eligible kindergarten and first grade Indian students actually attend BIA schools rather than public or private schools. (See pp. 40-42.)"

Now on pp. 34-35.

Department of Interior Response

Interior is not required to collect or maintain data on the number of Indian children who attend public or private schools nor does it have ready access to such data or other sources of information including birth records. Similar references are made on pages 24 and 40-42 of the report.

Now on pp. 16 and 34-35.

Now on p. 4.

3. Executive Summary (page 8)

"In our view, EHA requires BIA to assure that all handicapped Indian children receive an appropriate education on reservations with BIA schools and states to assume similar responsibility on reservations without BIA schools."

Department of Interior Response

To the best of our knowledge, there is no part of any reservation that is not included within a public school district boundary. This is true whether or not there is an interior school located on the reservation. On many reservations, portions of the kindergarten through grade twelve continuum may be served by either "BIA schools" and/or public schools. In many cases, the public schools are actually located on the reservation. Some of the larger reservations may have several different public schools and state education agencies serving the same reservation. For example, the boundaries of the Navajo reservation cross four state lines (Arizona, New Mexico, Colorado, and Utah) and the Standing Rock Reservation includes portions of both South Dakota and North Dakota.

Now on p. 4.

4. Executive Summary (page 8)

"On the other hand, BIA believes that it is responsible only for Indian children enrolled in BIA programs and that other agencies (such as Head Start program operators) are responsible for Indian children enrolled in the programs they operate."

Department of Interior Response

Interior does not have general supervisory authority of programs serving handicapped Indian preschool children and it is not the only provider of early childhood special education services to handicapped Indian children on reservations with Interior schools. Programs, such as Head Start, operate under specific federal legislation and must implement the programmatic requirements of applicable statutes.

Interior does not operate Head Start programs nor does it operate a preschool program for nonhandicapped Indian children. However, handicapped Indian children enrolled in Head Start programs, who reside on reservations served by schools funded by Interior, may be served by Interior if no other agency is available to provide the needed special education and related services.

Now on p. 5.

5. Executive Summary (page 11)

"We recommend that the Secretary of the Interior direct the Assistant Secretary for Indian Affairs to identify, on a recurring basis, all Indian preschool children suspected of being

Now on p. 36.

handicapped in order to better ensure that all potential handicapped preschool children on Indian reservations with BIA schools are screened and evaluated. (See p. 58.)"

Department of Interior Response

Interior has successfully implemented annual Child Find activities, as required by EHA, for many years. All Area and Agency Special Education Coordinators conduct annual Child Find and screening activities on the reservations they serve to identify children suspected of being handicapped. These activities are ongoing and may include: interagency screening, handicapped awareness activities, training Child Find Technicians, presenting information at tribal and public meetings, newsletters and posting notices.

This year for the first time, the states and Interior are required to report the number of handicapped preschool children being served. On December 1, 1989 Interior will collect such data and report the information to the Department of Education, Office of Special Education Programs. The results will be published in the Annual Report to Congress by the Department of Education.

Now on p. 10.

6. Special Education: Estimates of Handicapped Indian Preschool Children and Sufficiency of Services (page 15)

"In addition, the law encouraged the states to serve handicapped preschool children, those children ages three to five, by providing incentive grants."

Department of Interior Response

While states receive incentive grants to serve preschool handicapped children, the Department of Interior is ineligible to receive these grants. Interior uses EHA Part B funds for the early childhood special education program.

Now on p. 11.

7. Special Education: Estimates of Handicapped Indian Preschool Children and Sufficiency of Services (page 15)

"The amendments also require the states to begin serving all handicapped children, birth through age five, no later than October 1, 1990."

Department of Interior Response

The amendments, which became law on October 8, 1986, allowed states four years to implement preschool handicapped services, while the Department of Interior was required to provide preschool services by or before the 1987-1988 school year.

Now on p. 11.

8. BIA's Role in Special Education (page 17)

"BIA's policy is to ensure that special education services are available to all handicapped Indian children, ages three through 21, who live on reservations with BIA schools. BIA officials told us that 'ensuring' special education services are available means working with other local service providers to determine how best to meet the needs of handicapped Indian children. The officials further stated that, in some instances, agencies other than BIA should either pay for or provide the services needed, but in no case will a child be denied services because of jurisdictional disputes."

Department of Interior Response

State education agencies also receive Part B funds and Section 619 preschool incentive grants to provide services to handicapped preschool children, including Indian children. The EHA restricts Interior's use of the set-aside funds to the need for assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of Interior.

State education agencies, Interior, and other service providers, must work together to provide services to handicapped Indian preschool children. The following case exemplifies the need for agencies to work together to provide services:

> Parents of a four year-old severely handicapped Indian child live in the town of Dunseith, North Dakota. They wanted to enroll their child in a Tribal Head Start program which serves Indian children from the reservation. Dunseith is not within the boundaries of the Turtle Mountain Indian Reservation or the closest Interior school (Dunseith Indian School). Both Interior and public schools are located on the reservation. The Head Start boundaries include Dunseith, however, all school-age children in Dunseith attend Dunseith Public Schools. Indian children represent approximately 85% of the enrollment in Dunseith Public Schools. Dunseith Public Schools also operates a preschool handicapped program.
>
> Interior's Agency Special Education Coordinator has an interagency agreement with the Head Start Center which specifies that the Agency will provide special education and related services to the those handicapped Indian children enrolled in the program who reside on the reservation. The Head Start Handicapped Coordinator approached the Agency Coordinator and requested a full-time aide for this child because of the nature and severity of the child's handicapping condition. Head Start's rationale for the request was based on the interagency agreement with the Agency.

Now on p. 12.

9. BIA's Role in Special Education (Table 2, page 18)

"(b) In school year 1988-89, 437 handicapped Indian three and four year-olds were served, but an unknown number of five year-olds were also served."

Department of Interior Response

Children Served Preschool Program	1986-1987	100*
	1987-1988	1,200*
	1988-1989	1,600*

*These estimates include three and four year-old handicapped Indian children, as well as, those five year-olds who did not reach their fifth birthday by December 31st. Children must meet this age requirement to be enrolled in an Interior kindergarten. Handicapped Indian children, who do not meet these criteria, are served by Interior in its early childhood special education program. The GAO study was limited to collecting data on three and four year-old children.

Many Area/Agency offices provided early childhood special education services before the mandate, such as, Papago, Pima, Southern Pueblos, and Standing Rock.

Now on p. 33.

10. Agencies' Responsibilities for Educating Handicapped Indian Preschool Children Unclear (page 35)

"In our view, EHA requires BIA to assure that all handicapped Indian children receive an appropriate education on reservations with BIA schools. On the other hand, states should assume similar responsibility on reservations without BIA schools."

"The Department of Education believes that under EHA's section 611(f), BIA is responsible for providing a free appropriate education to those Indian children who live on the 63 reservations with BIA schools. In this regard, Department officials told us BIA has sole responsibility for the handicapped Indian children on the 63 reservations with BIA schools, even if local public schools are also on the reservation."

Department of Interior Response

Interior disagrees with the GAO and Education. The educational delivery system for Indians on reservations is very complex and varies from reservation-to-reservation, state-to-state, and may differ within a single reservation. Indian parents exercise their right to enroll their children in the school or program of their choice and the opportunities will differ depending on the age of the child, where the reservation is located, and whether or not the child is handicapped. Determination of responsibility cannot be made conclusively without exception.

The following examples illustrate a few of the many ways in which Interior and/or public schools serve Indian children on reservations where Interior operates or funds schools:

The Standing Rock Reservation includes areas of both North Dakota and South Dakota. An Indian child may live on a part of the reservation which is in South Dakota but attend a school located in North Dakota.

On the Rocky Boys Indian Reservation in Montana, the following are all located adjacent to the same playground: a tribal Head Start center, a public school (grades K-8), and an Interior-funded tribal contract school, grades 9-12. Some of the secondary Indian students choose not to attend the tribal contract school and attend the public high school which is located off the reservation.

The following are all located on the Gila River Reservation in Arizona: one public school (K-8), two parochial schools (K-8), two BIA operated schools (K-4 & K-6), one tribal contract school (preschool-2), one public alternative high school, seven Head Start centers, and one tribal preschool center. All secondary-age students attend public schools off the reservation with the exception of those who attend the alternative high school. Some parents who live on the reservations work in nearby Tucson and they take their preschool children and place them in day care or preschool programs in the city.

The Turtle Mountain Agency has had a cooperative agreement with the Belcourte Public School District #7, since 1981, to provide for the education of Indian children who live on or near the Turtle Mountain Reservation. Under this agreement, public school employees teach in Interior schools and public school teachers are supervised by Interior administrators and vice versa. Interior's Agency Special Education Coordinator interviews all prospective special education employees and recommends candidates to the public school board. All of the special education teachers in the Agency's schools are public school employees, and most, but not all, of the aides are also public school employees. Interior's Turtle Mountain Agency Special Education Program is recognized by the North Dakota Department of Public Instruction as a state multidistrict special education unit and it receives some state funds for the program, in addition to Interior funds.

The Seminole Tribe of Florida has five separate reservations only one of reservation has an Interior-funded school. Ahfachkee Elementary School (grades K-6) is located on the Big Cypress Reservation. All of the Seminole children from the other reservations attend either public or private schools. Many elementary children from the Big Cypress

Reservation attend Hendry County Public Schools rather than attend Ahfachkee Elementary School. All of the secondary-age Indian children living on this reservation attend county or private schools.

On the Cherokee Reservation in North Carolina, two county public school systems divide the reservation. The Cherokee Central School (K-12) is operated by Interior while the school's special education and Chapter 1 programs are operated by the Cherokee Boys Club, Inc., under contract with Interior. Some of the teachers are employees of Interior while others are employees of Cherokee Boys Club, Inc. Many of the Cherokee children attend Cherokee Central School while others attend one of the county public schools, depending on which side of the reservation they live on.

On some reservations, Interior operates a school that is limited to certain grade levels, such as, kindergarten through grade two or grades nine through 12. On these reservations, public school systems serve the Indian children in the other grades.

These are but a few of the many ways in which Interior and/or public schools serve Indian children. In spite of these complexities, Interior, through its Area and Agency Offices, assures a free appropriate public education for all handicapped Indian preschool children on reservations served by its schools. Many times, services and actual service providers are determined on a child-by-child basis, in order to meet the individual needs of the child, and these will vary depending on the nature and severity of the handicap. Interior believes it is the handicapped child and his or her specific needs that determines how agencies should work together to provide the needed special education and related services.

Now on p. 33.

11. Agencies' Responsibilities for Educating Handicapped Indian Preschool Children Unclear (page 36)

"For example, BIA believes that HHS is responsible for providing an appropriate education to Indian children in local Head Start programs."

Department of Interior Response

Head Start is a national program, administered by HHS, whose goal is to provide comprehensive developmental services to low income, preschool children and their families. Head Start accomplishes this goal through the implementation of four major program components: health (medical, dental, nutrition, and mental), social services, parent involvement, and education.

Interior does not operate Head Start programs, however, eligible

handicapped Indian preschool children who are enrolled in Head Start programs may be served by Interior if no other agency is available to provide the needed special education and related services. Interior, in receiving EHA Part B funds, has assured a free appropriate public education to all handicapped children enrolled in schools and preschool programs funded by Interior consistent with the requirements of 34 CFR 300 and the special education standards of the Bureau of Indian Affairs.

Now on pp. 23-24

12. Services Provided to Handicapped Indian Preschool Children are Insufficient (page 43-44)

"Service information provided by the coordinators shows that at least 24 percent of the 791 handicapped Indian preschool children with IEPs were receiving less service than their IEPs prescribe."

Department of Interior Response

This situation is not unique to Interior. While Interior provided services to 437 of the 791 handicapped Indian preschool children, the remaining children were served by other agencies. Interior makes a good faith effort to provide all of the special education and related services which handicapped children may need. However, insufficient funds, lack of certified staff, and geographic accessibility are examples of obstacles which hamper Interior's efforts to provide needed services.

Now on pp. 32-33.

13. Funding Shortages (page 55-56)

"In discussing funding difficulties, Branch officials told us that the special education program experienced a severe funding shortfall in school years 1987-1988 and 1988-1989. Because of this shortfall, the Branch provided only $2.7 of the $4.3 million field offices requested to provide special education services to handicapped Indian preschool children in school year 1988-1989...."

"Branch officials told us that they are uncertain of the cost of providing special education services to all handicapped Indian preschool children on the 63 reservations with BIA schools. They have never developed an overall cost estimate because their program funding level is determined by and limited to the EHA's 1.25 percent set-aside."

Department of Interior Response

The funding shortfall was due to the increase in the service population and because Interior had no other funding source for these handicapped Indian preschool children. School-age handicapped Indian children, enrolled in schools operated by Interior, are supported by base funds provided by the Indian School Equalization Program (ISEP), as authorized by the Indian

Self-Determination and Education Assistance Act (P.L. 95-561). When ISEP funds are insufficient to meet the needs of handicapped Indian children, Part B funds may be used to supplement, although not supplant, ISEP funds. Preschool children are not included in the ISEP formula.

Interior is mandated to provide services to handicapped Indian preschool children, however, it is not required to operate a program for their non-handicapped peers. Because there is no source of base funding for Interior's preschool special education program, Interior must fund the entire handicapped preschool program with Part B funds. The lack of base funds for Interior's handicapped preschool program has adversely affected the program.

Interior has not developed an overall cost estimate for serving handicapped Indian preschool children for several reasons in addition to the set-aside limitations. Many agencies serve these children which makes it difficult to determine costs. It is also difficult to develop a formula that will yield a reliable cost estimate. There are many components which would need to be factored into the formula including: nature and severity of the handicapping condition; type, frequency and intensity of services; and accessibility and availability of services.

Now on p. 36.

14. Recommendation to the Secretary of the Interior (page 58-59)

"We recommend that the Secretary of the Interior direct the Assistant Secretary for Indian Affairs to identify, on a recurring basis, all Indian preschool children suspected of being handicapped in order to better ensure that all potential handicapped preschool children on Indian reservations with BIA schools are screened and evaluated."

Department of Interior Response

Interior has successfully implemented annual Child Find activities, as required by EHA, for many years. Interior also collects data for the December 1 child count which is reported to the Department of Education, Office of Special Education Programs.

This year, for the first time, state education agencies and Interior are required to report the number of handicapped Indian preschool children served. Interior will submit its data to the Department of Education which will publish the results in the Annual Report to Congress.

Major Contributors to This Report

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