U. S. Department of the Interior
Bureau of Indian Affairs

National Advisory Board for Exceptional Children
Charter

1. **Committees Official Designation.** Bureau of Indian Affairs National Advisory Board for Exceptional Children (Board).

2. **Authority.** The Advisory Board for Exceptional Children was established by Public Law 108-446, Individuals with Disabilities Education Improvement Act, Part B, Section 611(h)(6), December 3, 2004, (Act) and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

3. **Objectives and Scope of Activities.** The Board shall assist the Secretary of the Interior (Secretary) in performing his duties under the Act by advising him on the needs of Indian children with disabilities.

4. **Description of Duties.** The duties of the Board are solely advisory, and are stated below:

    a. Assist in the coordination of services within the Bureau of Indian Affairs (BIA) and with other local, State and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

    b. Advise and assist the Secretary in the performance of the Secretary's responsibilities described in Section 611(h)(6) of the Act;

    c. Develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter and intra-agency programs and activities;

    d. Provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention services or educational programming for Indian infants, toddlers, and children with disabilities; and

    e. Provide assistance in the preparation of information required to be submitted under Section 611(h)(2)(D) of the Act.

    The Board shall prepare and submit to the Secretary, and Congress an annual report containing a description of the activities of the Board for the preceding year. The Secretary shall make this annual report available for the Secretary of Education.

5. **Agency or Official to Whom the Board Reports.** The Board reports to the Assistant Secretary – Indian Affairs through the Designated Federal Official (DFO).

6. **Support.** Administrative support for the Board will be provided by the Bureau of Indian Education (BIE), Division of Performance and Accountability - Special Education.

7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Board's functions are estimated to be $132,316, including all direct and indirect expenses and .05 of staff years.

8. **Designated Federal Officer.** The DFO is an Education Specialist, Bureau of Indian Education, Division of Performance and Accountability, who is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will approve or call all Board and subcommittees' meetings, prepare and approve all meeting agendas, attend all Board and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Board reports.

9. **Estimated Number and Frequency of Meetings.** The Board will meet approximately twice a year, and at such times as designated by the DFO.

10. **Duration.** Continuing

11. **Termination.** The Board is subject to biennial review and will terminate 2 years from the date the charter is filed, unless prior to that date, it is renewed in accordance with Section 14 of the FACA. The Board will not meet or take any action without a valid current charter.

12. **Membership and Designation.**

    a. The Board shall be composed of members involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities. The Board composition will reflect a broad range of viewpoints and will include representatives and special Government employees from among the following interest groups:

        - Indian persons with disabilities
        - Indian parents or guardians of children with disabilities
        - Teachers of children with disabilities
        - Service providers to children with disabilities
        - State education officials
        - Local education officials
        - Tribes or tribal organizations
        - State Interagency Coordinating Councils under Section 641 of the Act in States having Indian reservations
        - Other members representing the various divisions and entities of the BIA and/or BIE.

    b. Members serve at the discretion of the Secretary and are appointed on a staggered term basis for terms not to exceed 3 years. A vacancy on the Board is filled in the same manner in which the original appointment was made.

c. The Secretary, in consultation with the Assistant Secretary – Indian Affairs, designates one member of the Board to serve as chairperson.

d. Members of the Board serve without compensation. However, while away from their homes or regular places of business, members engaged in board or subcommittee business approved by the DFO may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under Section 5703 of Title 5 of the United States Code.

13. **Ethics Responsibility**. No Board or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.

14. **Subcommittees**. Subject to the DFO's approval, subcommittees can be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Board for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Board Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **Recordkeeping**. The records of the Board, formally and informally established subcommittees or other subgroups of the Board, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Ken Salazar

Secretary of the Interior

DEC 21 2010

Date Signed

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Date Filed