

BUREAU OF INDIAN EDUCATION

Annual Performance Report

Part B

FFY 2012

2/3/2014

Revised Clarification 4/30/2014

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Annual Performance Report—FFY 2012
(SY 2012-2013)
Bureau of Indian Education
Submitted February 3, 2014; Resubmitted April 30, 2014

Introductory Statement

During school year (SY) 2012-2013, the Bureau of Indian Education (BIE) continued its efforts to improve the validity and reliability of data reporting. BIE data collections are dependent on school level entry (self-reporting) into the Native American Student Information System (NASIS) or into the BIE's Academic Report (formerly the BIEs Annual Report) from the schools. In addition, data is gathered and analyzed through the Special Education Integrated Monitoring Process (SEIMP) conducted annually. Through on-site activities and webinars, schools have increased their level of understanding of data requirements and analyses.

Prior to Federal Fiscal Year (FFY) 2010, the BIE counted a finding as being a systemic issue at a school, more than a one-time occurrence of noncompliance of a specific requirement of the Individuals with Disabilities Education Act (IDEA) or accompanying regulations. Beginning FFY 2010, the BIE counts each individual instance of noncompliance as a separate finding. For example, if there are three students at a school whose initial evaluations were completed past the 60 day timeline, the school has three findings of noncompliance particular to 34 CFR §300.301(c)(1). In the past, it would be counted as one finding of noncompliance.

The BIE aligns reporting requirements with the Elementary and Secondary Education Act (ESEA). The BIE oversees a total of 173 elementary and secondary schools, located on 64 reservations in 23 states. Of these, 58 are BIE-operated and 115 are Tribally-operated under BIE grants or contracts. The BIE provides funds to all schools; however, tribal groups have been granted or contracted to operate the tribally controlled schools. Both category of schools are treated the same relative to program management, monitoring, and support.

The BIE included stakeholder involvement in the development of the APR when members of the BIE Advisory Board for Exceptional Children participated in a conference call on January 17, 2014 and provided input on the data to be reported and the collection process. They asked for and received clarification on specific indicators and provided suggestions for revisions which have been incorporated.

In response to reduce the reporting burden, the following Indicators are not included in the APR:

- Indicators 16-17 (deleted from SPP/APR)
- Indicator 20 (not required to report data)

Data links:

SPP & APR

<http://www.bie.edu/HowAreWeDoing/SpecialEdReports/index.htm>

Report Cards

<http://www.bie.edu/HowAreWeDoing/Scorecards/index.htm>

Index

<http://www.bie.edu/HowAreWeDoing/index.htm>

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.
(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

The BIE has schools in 23 different states. Sixty high schools are located in 20 of the 23 states. Under Title 1 of the ESEA, the BIE must follow the Adequate Yearly Progress definition of the state in which a school is located. This means there are different expectations for graduation rate in each state.

The BIE uses the adjusted cohort model for calculation, but still must adhere to the graduation rate expectancy of each state. In prior years, the BIE focused on closing the graduation percentage gap between all students and students with disabilities (SWD) rather than a single graduation rate for each school. This analysis, while trying to give schools located in different states some equality, becomes insignificant since the number of graduating students at each school is typically small. A minor change in the student count at a school may result in a broad shift in percentages being reported.

There are challenges in determining the progress a school is making on increasing the percent of students with disabilities who are graduating from high school given the variance of percentages from one year to the next and schools that have no gap to close.

FFY	Measurable and Rigorous Target
2012 (2012-2013)*	<p>Increase the amount of students with IEPs graduating from high school with a regular diploma to at least 55.68%, which is .5% above the SY 2010-2011 graduating SWD percentage.</p> <p>(Note—This is a revised target established this year reflecting improvement over the BIEs baseline data as a required action in the OSEP FFY 2011 Part B SPP/APR Response Table. The revised SPP revised target can be found on the BIE website at: http://www.bie.edu/cs/groups/xbie/documents/text/idc1-021962.pdf, page 5.)</p>

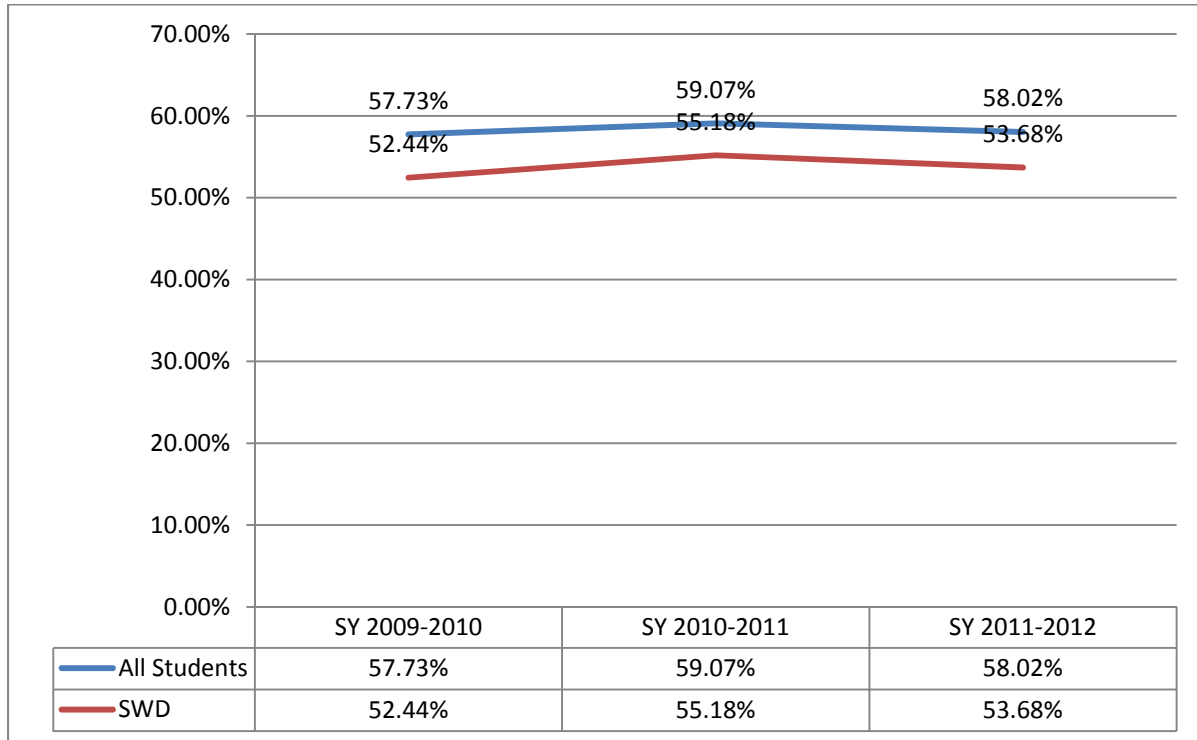
Actual Target Data for 2012: 53.68%

BIE did **not meet** the target.

The graduation data that was provided in last year’s APR is presented again this year, per the OSEP memorandum dated October 20, 2013. In SY 2011-2012, the BIE had a graduation rate of 53.68 percent for students with disabilities, compared with 55.18 percent in SY 2010-2011 for students with disabilities.

This represents a decrease of 1.50 percent, resulting in BIE not meeting its target. The targeted increase was .5 percent greater than the prior year. According to the data listed in Table 1 below, the BIE did not meet its identified target.

Figure 1: BIE Graduation Rates: All Students and Students with Disabilities



The target data and targets listed in the APR are aligned with the targets listed in the SPP. The 2012 SPP target has also been revised to reflect improvement. The revised SPP revised target can be found on the BIE website at: <http://www.bie.edu/cs/groups/xbie/documents/text/idc1-021962.pdf>, page 5.

Table 1: Graduation SY 2011-2012

2010-2011	9 th grade cohort	Trans. In	Trans. Out	Deceased	Total	Grads	Graduation Rate
All	3248	1245	1508	0	2985	1732	58.02%
SWD	482	165	172	0	475	255	53.68%

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2011

ACTIVITY	STATUS
1. Offered WebEx training to all schools throughout the school year on special education topics including secondary transition services.	Completed.
2. Distributed Secondary Transition Newsletter to all schools showcasing successful programs and information on resources and best practices.	Completed.
3. Conducted desk audit file reviews of IEPs for students 16 years and older using the NASIS Special Education Module. Targeted technical assistance to schools may result from this process.	Completed.
4. Offered on-going technical assistance in transition requirements to schools on use of NASIS special education module. Regularly scheduled training on updates and the use of the special education module in NASIS.	Completed.
5. National Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analyses.	Completed.
6. Regional work sessions with schools on AYP calculation and data analysis.	Completed.
7. Designed and implemented effective dropout prevention and graduation models and practices.	Completed.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.
(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
2012 (2012-2013)	The drop-out rate of students with disabilities attending BIE funded High Schools will not exceed 9.0%

Actual Target Data for 2012: 9.86%

Table 2: Dropout Rate for Students with Disabilities SY 2012-2013

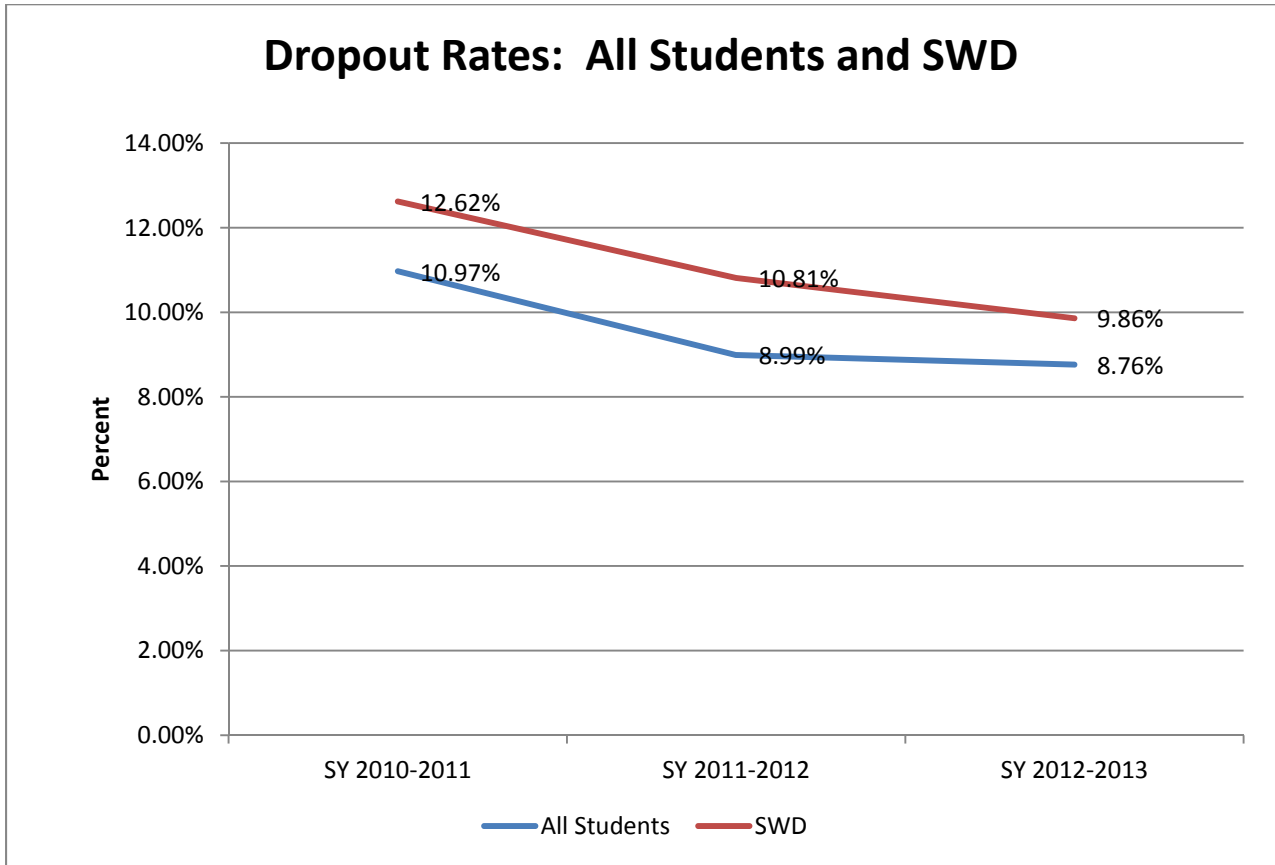
	SY 2011-2012			SY 2012-2013		
	No. of Students	No. of Dropouts	Dropout Rate	No. of Students	No. of Dropouts	Dropout Rate*
All Students	12,494	1,153	8.99%	11,279	988	8.76%
Students with Disabilities	1,330	149	10.81%	1,329	131	9.86%

*Source—BIE Bureau-Wide Annual Report SY 2012-2013

BIE did **not meet** the target for students with disabilities.

The dropout rate for students with disabilities for SY 2012-2013 was 9.86 percent. Therefore, the BIE did not meet the target of 9.0 percent. However, the dropout rate decreased by 0.95 percent from the SY 2011-2012 rate of 10.81 percent.

Figure 2: BIE Dropout Rates: All Students and Students with Disabilities (SWD)



Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for 2011:

As noted in Figure 2, the BIE has made significant progress in decreasing the dropout rate for students with disabilities over the past three years from 12.62 percent in SY 2010-2011 to 9.86 percent in SY 2012-2013. Although the indicator target of 9.0 percent was not met, the progress can be attributed to the following:

- Partnership established with the National Dropout Prevention Center for Students with Disabilities, Clemson University, to provide assistance to selected BIE funded high schools in establishing a demonstration site for a dropout prevention programs for students with disabilities.
- Training and support offered for schools and education line officers to assess effectiveness of interventions
- Resources provided to schools to support interventions, and
- Activities developed for schools that lead to increased graduation rates including developing annual improvement activities in the Local School Performance Plan (LSPP).

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for 2012

ACTIVITY	STATUS
1. Offered WebEx training to all schools throughout the school year on special education topics including secondary transition services.	Completed.
2. Distributed Secondary Transition Newsletter to all schools showcasing successful programs and providing information on resources and best practices.	Completed.
3. Conducted desk audit IEP file reviews for students 16 years and older using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Completed.
4. Offered on-going technical assistance in transition requirements to schools in the use of the NASIS special education module. Regularly scheduled trainings on updates and the use of NASIS special education module.	Completed.
5. National Special Education Academy for all schools on a variety of topics as determined by annual data reviews and analysis.	Completed.
6. Offered regional work sessions with schools on AYP calculation and data analysis.	Completed.
7. Designed and implemented effective dropout prevention and graduation models and practices.	Completed.

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP/AMO targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. (choose either A.1 or A.2)

A.1 AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.

A.2 AMO percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AMO targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against grade level, modified and alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned, and calculated separately for reading and math)]. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

Targets and Actual Target Data for FFY 2012:

3A — The data for this section is not available for this year due to an outstanding issue from the previous year. The BIE must have clarification from the Office of Special Education Programs (OSEP) and from the Office of Elementary and Secondary Education (OESE) on whether the Northwest Evaluation Association (NWEA) Measures of Academic Performance (MAP) assessment data can be used for SY 2011-2012 AYP purposes for New Mexico schools. If this data can be used, the scores will be used to determine the AYP status of our New Mexico schools and will then be reported. The BIE can then report for the current year as well. If not, the report will not reflect the 54 New Mexico schools that were tested

using NWEA’s MAP. If an OESE determination can be made in a timely manner, then the data can be updated during the APR clarification week.

The AYP data have been calculated, and the AYP letters have been drafted and are waiting the BIE Director’s signature to be official. Once the letters have been signed, the BIE will update the FFY 2011 and FFY 2012 Indicator 3A data.

Targets and Actual Target Data:

FFY 2012	Measurable and Rigorous Targets									
	Districts Meeting AYP/AMO for Disability Subgroup (3A.1 or 3A.2)		Participation for Students with IEPs (3B)				Proficiency for Students with IEPs (3C)			
Targets for FFY 2012 (2012-2013)	% Not available due to explanation listed above under 3A		Reading		Math		Reading		Math	
			96%		96%		19.4%		17.5%	
Actual Target Data for FFY 2012 (2012-2013)	#	%	#	%	#	%	#	%	#	%
	N/A	N/A	3198	99.2	3385	99.0	478	14.8	451	13.2

3A - Actual AYP/AMO Target Data for FFY 2012:

FFY	Measurable and Rigorous Target
FFY 2012	Of the schools with sufficient “n” size for calculation, increase the amount of the students with disabilities subgroup achieving AYP by 3% over the previous year’s percentage. <i>Actual percentage not available due to explanation listed under 3A above.</i>

3B – Actual Participation Target Data for FFY 2012:

FFY	Measurable and Rigorous Target
2012 (2012-2013)	96%

Participation in Mathematics Assessment Indicator: Met (99.0%)

The BIE achieved a high level of participation in assessing Students with Disabilities in mathematics during FFY 2012. The percentage of participants exceeded the BIE target by 2.6%, which is significant. This high percentage is due to the continual work of the Special Education Program staff to signify the

importance to all schools within the BIE of properly assessing all Students with Disabilities according to their IEPs in grade levels covered by the accountability system.

The AYP data have been calculated, and the AYP letters have been drafted and are waiting the BIE Director's signature to be official. Once the letters have been signed, the BIE will report publicly on the participation of students with disabilities on the statewide assessments.

Special Education Student Participation in Mathematics Assessment

	Tested	Not Tested					Total
	Yes	Sub-Total	Absent	Medical	Parental	Other	
G3	99.82%	.18%	0.00%	0.00%	0.00%	.18%	100%
	544	1	0	0	0	1	545
G4	99.41%	.59%	.20%	0.00%	0.00%	.39%	100%
	507	3	1	0	0	2	510
G5	100%	0.00%	0.00%	0.00%	0.00%	0.00%	100%
	529	0	0	0	0	0	529
G6	99.26%	.91%	.19%	.19%	0.00%	.37%	100%
	534	4	1	1	0	2	538
G7	98.17%	1.83%	.81%	.20%	0.00%	.81%	100%
	483	9	4	1	0	4	492
G8	99.56%	.44%	.22%	0.00%	0.00%	.22%	100%
	452	2	1	0	0	1	454
HS	96.00%	4.00%	1.14%	.29%	0.00%	2.57%	100%
	336	14	4	1	0	9	350
Total	99.00%	.97%	.03%	.03%	0.00%	.56%	100%
	3385	33	11	3	0	19	3418

Participation in Reading/Language Arts Assessment Indicator: Met (99.22%)

The BIE also achieved a high percentage of participation in the Reading/Language Arts assessment, improving slightly over the previous year.

Special Education Student Participation in Reading Assessment

	Tested	Not Tested					Total
	Yes	Sub-Total	Absent	Medical	Parental	Other	
G3	99.81%	.19%	0.00%	0.00%	0.00%	.19%	100%
	515	1	0	0	0	1	516
G4	99.40%	.62%	.21%	0.00%	0.00%	.41%	100%
	482	3	1	0	0	2	485
G5	100%	0.00%	0.00%	0.00%	0.00%	0.00%	100%
	501	0	0	0	0	0	501
G6	99.02%	.98%	.20%	.39%	0.00%	.39%	100%
	503	5	1	2	0	2	508
G7	98.70%	1.30%	.43%	0.00%	0.00%	.87%	100%
	456	6	2	0	0	4	462
G8	99.07%	.93%	.70%	0.00%	0.00%	.23%	100%
	428	4	3	0	0	1	432
HS	98.12%	1.88%	1.25%	.31%	0.00%	.31%	100%
	313	6	4	1	0	1	319
Total	99.22%	.78%	.34%	.09%	0.00%	.34%	100%
	3198	25	11	3	0	11	3223

Reasons for Not Testing

Among the students not assessed for “Other Reasons,” some schools indicated, as in previous years, that they were not able to assess the students according to their IEPs, which specified the use of an alternate assessment aligned to alternate or modified standards. These schools missed the ordering deadline for these assessments. The BIE is unaware of other possible explanations.

3C – Actual Performance Target Data for FFY 2012

The AYP data have been calculated, and the AYP letters have been drafted and are waiting the BIE Director’s signature to be official. Once the letters have been signed, the BIE will provide the weblink to the FFY 2012 publicly reported results.

SY 2012-2013 Disaggregated Target Data for Math Performance: # and % of students with IEPs enrolled for a full academic year as well as those who were not enrolled for a full academic year who scored proficient or higher

Statewide Assessment 2012-2013		Math Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	545	510	529	538	492	454	350	3418	100%
b	IEPs in regular assessment with and without accommodations	92	54	46	37	28	26	34	317	9.27%
c	IEPs in alternate assessment against grade-level standards	10	11	11	15	3	3	14	67	1.96
d	IEPs in alternate assessment against modified standards	6	5	4	7	2	3	0	27	.79
e	IEPs in alternate assessment against alternate standards	5	3	7	3	9	5	8	40	1.17
f	Overall (b+c+d+e) Baseline	113	73	68	62	42	37	56	451	13.19

SY 2012-2013 Disaggregated Target Data for Reading Performance: # and % of students with IEPs enrolled for a full academic year as well as those who were not enrolled for a full academic year who scored proficient or higher

Statewide Assessment 2012-2013		Reading Assessment Performance						Total		
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	516	485	501	508	462	432	319	3223	100%
b	IEPs in regular assessment with and without accommodations	71	51	49	50	59	30	47	357	11.08%
c	IEPs in alternate assessment against grade-level standards	8	6	13	18	6	6	4	61	1.89%
d	IEPs in alternate assessment against modified standards	3	3	3	7	0	3	0	19	.59%
e	IEPs in alternate assessment against alternate standards	8	3	6	4	8	4	8	41	1.27%
f	Overall (b+c+d+e+f) Baseline	90	63	71	79	73	43	59	478	14.83%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012: Target was not met.

The BIE attributes its inability to meet the goal to the changes in Annual Measurable Objectives (AMOs) by different states throughout the country.

The following improvement activities were completed for this indicator:

ACTIVITY	STATUS
Offered regional training for Associate Deputy Directors (ADDs) and Education Line Officers on Accommodations and Modifications needed to increase the achievement level of SWD.	Completed
Invited BIE program managers to attend special education staff meetings to present current projects/programs.	Completed
The BIE Data Unit conducted regional work sessions with schools on AYP calculation and data analysis.	Completed

Public Reporting Information: The following website lists the assessment results for BIE schools:

<http://www.bie.edu/HowAreWeDoing/SpecialEdReports/index.htm>

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
Indicator 3A—The BIE must provide the required indicator data for FFY 2011 and FFY 2012 in the FFY 2012 APR for this indicator.	The data for this section is not available for this year due to an outstanding issue from the previous year. The BIE must have clarification from OSEP and the OESE on whether NWEA MAP assessment data can be used for SY 2011-2012 AYP purposes for New Mexico schools. If this data can be used, the scores will be used to determine the AYP status of our New Mexico schools and will then be reported. The BIE can then report for the current year as well. If not, the report will not reflect the 54 New Mexico schools that were tested using NWEA’s MAP. If an OESE determination can be made in a timely manner, then the data can be updated during the APR clarification week.
Indicator 3B—The BIE must provide a Web link for the public to view the results of the BIE’s assessments of children with disabilities.	The BIE has listed the required Web link in this document.
Indicator 3C—The BIE must provide the required proficiency rate data for FFY 2011 and FFY 2012 in the FFY 2012 APR.	The BIE did include in its data last year proficiency rates for children that are both FAY and non-FAY. Therefore, no correction is needed for FFY 2011. The correct proficiency data is again provided for FFY 2012.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of schools (BIE does not have Districts) identified as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year; and
- B. Percent of districts that have (a) a significant discrepancy by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs, and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards. Indicator 4B does not apply because the BIE is a system wide Native American school system. (20 U.S.C. 1416(a)(3)(A); 1412 (a)(22))

Measurement:

- A. Percent = [(# of Schools that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of Schools in the State)] times 100.

Note: For this, as all other indicators, the BIE data includes all schools with academic programs. There is no distinction between BIE-operated and grant or contract operated schools. All schools are BIE-funded. See the introductory statement for clarification.

Definition of Significant Discrepancy:

A significant discrepancy is having a rate of suspensions/expulsions greater than 10 days that is 2 times the average for the BIE. For this determination, a rate is calculated for schools that have no high school grades and a separate rate is calculated for schools that do have high school grades.

Schools reporting a single incidence of suspension/expulsion are not identified as exceeding the rate of suspensions/expulsions greater than 10 days. While calculations may indicate that they fall into the range of two times the average for the BIE, the small 'n' can be a false identifier. With their low numbers of SWD, an individual incident of suspension and/or expulsion can have a significant effect on a suspension/expulsion rate and could be a false indicator. The BIE has determined that an "n" size below 20 may yield data of limited reliability (n = number of students with disabilities).

Overview of Issue/Description of System or Process:

The data for this indicator is collected through NASIS allowing schools to track all behavior incidents and related consequences. Schools can run validation reports to ensure that all pertinent information is entered. In turn, the BIE can retrieve that information by student, by school, or by aggregated data across the entire BIE.

The data is pulled from the NASIS after the close of the data year (June 30). The data unit works with schools to correct any data entry problems found and a final retrieval is completed in October. A significant discrepancy is defined as having a rate of suspensions/expulsions greater than 10 days that is two times the average for the BIE. For this determination, a rate is calculated for elementary schools and a separate rate is calculated for high schools.

Schools reporting less than 2 incidents of suspension/expulsion are not identified as a school exceeding the rate of suspensions/expulsions greater than 10-days that is two times the average for the BIE. Due to the small ‘n’ size, this can be a false identifier in many of the BIE-funded schools. With their low numbers of students with disabilities, an individual incident of suspension or expulsion can have a significant effect on a suspension/expulsion rate and could be a false indicator.

Actual Target Data for FFY 2012 (using 2011-2012 data)

FFY	Measurable and Rigorous Target
FFY 2012 <i>(2011-2012 data)</i>	No more than 2 BIE High Schools or 5 BIE Elementary Schools will report suspensions and expulsion rates greater than 2 times the BIE average for that group of schools.

BIE **did not meet** the identified target with high school data.

BIE **did not meet** the identified target with elementary school data.

High School Suspension and Expulsion > 10 Days data:

The BIE has 60 high schools—3 of them have an “n” size of less than 20 students for SY 2011-2012. The 60 high schools had an average suspension and expulsion rate of 2.41 percent. The significant discrepancy is defined as 2 times the high school average: $2.41\% \times 2 = 4.82$ percent.

There was no high school with an “n” size below 20 that was identified with a significant discrepancy. Also, there was no high school that exceeded 2 times the BIE average that had a single incidence of suspension and expulsion with a significant discrepancy. Seven of 60 (11.66 percent) high schools that had a rate of suspension/expulsion of students with disabilities greater than 2 times the BIE average.

Elementary School Suspension and Expulsion > 10 Days data:

The BIE has 113 elementary schools. Forty of 113 schools had an “n” size of less than 20 students during SY 2011-2012. The 113 elementary schools had an average suspension and expulsion rate of 0.99 percent. The significant discrepancy is defined as 2 times the elementary school average, 0.99 percent $\times 2 = 1.98$ percent.

One school identified with a significant discrepancy had an “n” size below 20. The BIE has determined that an “n” size below may yield data of limited reliability. An individual incident of suspension can have a significant effect on their suspension and expulsion rate.

Fifteen of 113 (13.27 percent) elementary schools had a rate of suspension and expulsion of students with disabilities greater than 2 times the BIE average. Six of the 113 (5.31 percent) elementary schools had more than one incidence of suspension or expulsion and identified as schools with significant discrepancy. Nine of 113 (7.96 percent) elementary schools had only a single incidence of suspension. Schools reporting less than 2 incidents of suspension and expulsion are not identified as a school with a significant discrepancy.

Review of Policies, Procedures, and Practices (completed in FFY 2012 using SY 2011-2012 data: if any Districts are identified with significant discrepancies.

- a. *Describe how the State reviewed policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with IDEA.*

The elementary and high schools with more than a single incidence of suspension or expulsion were notified of the identified significant discrepancy and requested to provide the following information:

- 1) School policies, procedures, and practices relating to development and implementation of IEPs
- 2) Positive Behavioral Interventions and Supports being implemented
- 3) Procedural Safeguards documentation that is provided to the parents, and
- 4) Documented evidence of the school's file review for each student with a disability who was suspended for greater than 10-days.

The BIE reviewed the documents to determine if the school's policies, procedures, and practices were in compliance with 34 CFR §300.170(b). The BIE also examined documentation in the NASIS to ensure that schools were correctly entering the data.

- b. *Report if the State identified any noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b). If no noncompliance, please indicate.*

The review process described in part "a" of this section resulted in findings of noncompliance. The regulatory compliance review showed 3 of 7 high schools and 2 of 6 elementary schools were in noncompliance with regulatory requirements. Two of the 5 schools submitted only partial documentation requested and were issued findings of noncompliance. The 5 schools were issued written notification of findings of noncompliance in the appropriate implementation of specific regulatory requirements of 34 CFR §300.530.

- c. *If the State, through the review of policies, practices, and procedures identified policies, practices, or procedures that do not comply with the requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State revised (or required the affected School(s)) to revise policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavior interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with IDEA.*

Corrective Action Taken

- 1) Two schools submitted the information that was omitted from the original request.
- 2) Three schools obtained targeted training for staff on Manifestation Determination, Functional Behavioral Assessment, and Behavioral Intervention Plan at their individual schools.
- 3) Two schools obtained targeted training for staff on Positive Behavioral Interventions and Supports Program at their individual schools.
- 4) Three schools and Education Line Office staff identified and developed procedures for Manifestation Determination and Functional Behavioral Assessment Behavior Intervention Plans. Documentation of services being provided to students with disabilities who have been suspended for greater than 10-days.

BIE Verification of Correction

- 1) The BIE performed a review of the school’s policies, procedures, and practices and updated student IEPs in the NASIS to verify appropriate implementation of required regulatory requirements of 34 CFR §300.530. The reviews verified compliance.

Table 1: Correction of FFY 2012 Findings of Non-Compliance

1. Number of findings of noncompliance the State made during FFY 2012 (the period from July 1, 2011 through June 30, 2012) using 2011-2012 data	5
2. Number of FFY 2012 findings the State verified as timely corrected (corrected within one year from the date of notification to the School of the finding)	5
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2012:

Activity	Status
Provided training related to the discipline of SWD via WebEx presentation, and school on-site training opportunities,(NASIS reporting, regulatory requirements, Least Restrictive Environment, Functional Behavior Assessment, Behavior Intervention Plan, Behavior goals, Positive Behavior Intervention Strategies).	Completed
Utilized systemic data analysis of Local School Performance Plans and School Self-assessment Tool: <i>Long-Term Suspension / Expulsion Rates</i> , provided feedback to the schools about their improvement activities as they relate to Indicator 4.	Completed
Provided training to schools on the impact of parent participation in their child’s IEP decision making process.	Completed
Provided training on the use of the NASIS form—BIE Student File Review: <i>Students with Disabilities having Suspension or Expulsion Greater than 10 days in a school year.</i>	Completed

Explanation of Progress or Slippage:

Table 2: Schools with 2 times the BIE average of suspension or expulsion > 10 days for SWD

Group	FFY 2010		FFY 2011		FFY 2012	
	No. of School	Target	No. of Schools	Target	No. of Schools	Target
High School	13	2	10	2	7	2
Elementary	6	5	4	5	6	5

Progress: The number of high schools with a significant discrepancy decreased between FFY 2011 and FFY 2012 and can be attributed to the following:

- Each school developed a Local School Performance Plan (LSPP) to assist the school in determining improvement activities to meet the measurable target for Indicator 4A. The implementation of these improvement activities in the area of behavior addressed continuous improvement in the reduction of suspensions and expulsions for students with disabilities.
- Schools identified with significant discrepancy in FFY 2011 reviewed their *policies, procedures, and practices to ensure* appropriate implementation of required regulatory requirements 34 CFR §300.530.

Slippage: The number of elementary schools with a significant discrepancy increased between FFY 2011 and FFY 2012 and can be attributed to the following:

- More schools are reporting accurate suspension/expulsion data into the NASIS database and utilizing the systemic BIE discipline identification codes rather than school specified discipline codes of the past. Also, BIE’s data collection instrument, NASIS, is collecting real-time, accurate data that is providing a truer picture of the systemic data.

Correction of FFY 2011 Findings of Noncompliance (if applicable): N/A

Actions Taken if Noncompliance Not Corrected: N/A

Verification of Correction (either timely or subsequent): N/A

Correction of Remaining FFY 2010 Findings of Noncompliance (if applicable): N/A

Correction of Any Remaining Findings of Noncompliance from FFY 2009 or Earlier (if applicable): N/A

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): N/A

Revisions, with Justification, to Proposed Targets, Improvement Activities, Timelines, and Resources for FFY 2012 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Source: 618 data – Table 3.

Overview of Issue/Description of System or Process:

The data for this indicator is collected through the NASIS Special Education Module. Through this application, schools can track all environment data based on IEP entry. Schools can produce validation reports to ensure all students identified as receiving special education services have a valid entry to location and length of services received. In turn, BIE can retrieve that information by student, school or aggregated data across the entire BIE school system.

Table 1: FFY 2012 Environments Distribution

Category	Ages 6-21	Percentage	Target
A. Regular Class ≥ 80%	4,786	77.21%	74.08% (met)
Regular Class ≥ 40%	990	15.97%	N/A
B. Regular Class < 40%	365	5.89%	6.34% (met)
C. Separate School	10	.16%	0.45% (not met)
C. Residential Facility	29	.47%	
C.. Homebound/Hospital	16	.26%	
C. Correctional Facilities	3	.05%	
C. Parentally Placed in Private Schools	0	0.00%	
TOTAL	6199	58/6199= 0.94% 100%	Met 2 of 3 targets

Indicator 5A. Inside the regular class 80% or more of the day

FFY	Measurable and Rigorous Target
2012	Maintain the percent in the numbers of students receiving appropriate special education services inside the regular class 80% or more of the day at the 2010 level. Target is 74.08%

BIE **met** the identified target.

The 618 data showed a 1.28 percent increase for FFY 2012. BIE has demonstrated progress in increasing the number of students receiving appropriate special education services inside the regular class 80 percent or more of the day. BIE has offered training to general education and special education staff in instructional delivery of educational curriculum.

Inside the regular class 80% or more of the school day (ages 6-21)	
FFY 2012	77.21%
FFY 2011	75.93%
FFY 2010	74.08%

Indicator 5B. Inside the regular class less than 40% of the day

FFY	Measurable and Rigorous Target
2012	Maintain the percent in the numbers of students receiving appropriate special education services inside the regular class less than 40% of the day at the 2010 level. Target is 6.34%

BIE **met** the identified target.

The 618 data showed a 0.62 percent decrease for FFY 2012. BIE has generally demonstrated progress since FFY 2007 in decreasing the number of students receiving appropriate special education services inside the regular class less than 40 percent of the day. BIE has offered training to special education staff on the concept of placements in the least restrictive environment and the considerations of instructional materials and assistive technology to enable students with disabilities greater access to general education curriculum.

Inside the regular class less than 40% of the school day (ages 6-21)	
FFY 2012	5.89
FFY 2011	6.51%
FFY 2010	6.34%

Indicator 5C. Private or separate schools, residential placements, homebound or hospital placements

FFY	Measurable and Rigorous Target
2012	No more than .45% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings. Target is 0.45%

BIE **did not meet** the identified target.

The 618 data showed a 0.04 percent decrease for FFY 2012. Based on the needs of the students, the BIE must consider service delivery environments that are outside of the school the student attends. The BIE percentage of students served in separate schools and/or residential placements (0.94 percent) is far below the national mean average of all States of 3.0 percent (SPP/APR 2012 Indicator Analyses). As the observed trend remains low for these placements, BIE has offered training to school level personnel on the concept of placements in the least restrictive environment and the data input that will accurately reflect placements in their school.

Private or Separate Schools, Residential Placements, and Homebound/Hospitals (ages 6-21)	
FFY 2012	0.94%
FFY 2011	0.98%
FFY 2010	1.12%

Explanation of Progress or Slippage that occurred for FFY 2012:

The 618 data showed a decline in the total number of BIE school-age students with IEPs compared to FFY 2011. The number of students identified with a disability has decreased slightly since FFY 2010.

Students Identified with Disabilities (ages 6-21)	
FFY 2012	6,199
FFY 2011	6,294
FFY 2010	6,405

The BIE met targets under 5A and 5B, but did not meet 5C target. During the same period of time, the BIE experienced a 1.5 percent decline in students with disabilities. It is reasonable to expect that decreases in the use of environments external to the school (homebound, hospitals, residential facilities, and separate schools) would lead to an increase in the use of settings in the regular classroom at a rate of less than 40 percent of the time. Yet, the BIE continued the decrease in percentage of students receiving appropriate special education services inside the regular class less than 40 percent of the day. The decrease in students in the less than 40 percent category is progress from FFY 2011 in which an increase was reported.

As the BIE has improved its use of the regular classroom environment to provide students with disabilities with services for more than 80 percent of the instructional day, this is evidence that BIE Special Education programs are attentive and responsive to the least restrictive environment requirements for students with disabilities. Over the last six years ending with FFY 2012, the BIE has improved its 80 percent category performance by 12.28 percent, improving by approximately 2 percent in each year. While the BIE missed one of the three targets in Indicator 5, the data shows that the BIE has steadily improved in all areas for this indicator over the last six years.

The 618 data showed that the identification of Students with Specific Learning Disabilities has also decreased over time. This decrease coincides as more schools are implementing the use of RTI and practice research-based instructional delivery methods.

Students Identified with Specific Learning Disabilities (ages 6-21)	
FFY 2012	3,172
FFY 2011	3,193
FFY 2010	3,318

Improvement Activities Completed/Continued for FFY 2012:

ACTIVITIES	STATUS
BIE trained school level personnel on both the concept of placements in the least restrictive environment and the data input that will accurately reflect placements in their school.	Completed
BIE provided WebEx trainings on Least Restrictive Environment related topics. (Procedural Safeguards, Co-Teaching, National Instructional Materials Accessibility Standards, and Assistive Technology).	Completed
BIE provided feedback to the schools on the Local School Performance Plans (LSPP) improvement activities.	Completed
BIE provided training to schools on the impact of parent participation in their child’s IEP decision making process.	Completed
BIE provided training to schools and line offices on the RTI process for all students.	Completed

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
FFY 2012	Maintain current percent of parents indicating satisfaction at or above the standard of the 2010 level. (38.34%)

Actual Target Data for FFY 2012: BIE met the identified target (target 38.34%, actual 39.01%)

Table 1: FFY 2012 Percent of Parents Who Report the School Facilitated Their Involvement
(Strongly Agree' or "Very Strongly Agree' categories)

	FFY 2012 Data	FFY 2012 Target
Total number of Parent Respondents	3,768	
Number who reported school facilitated their involvement	1470	
Percentage who reported school facilitated their involvement	39.01%	38.34%

Survey Instrument

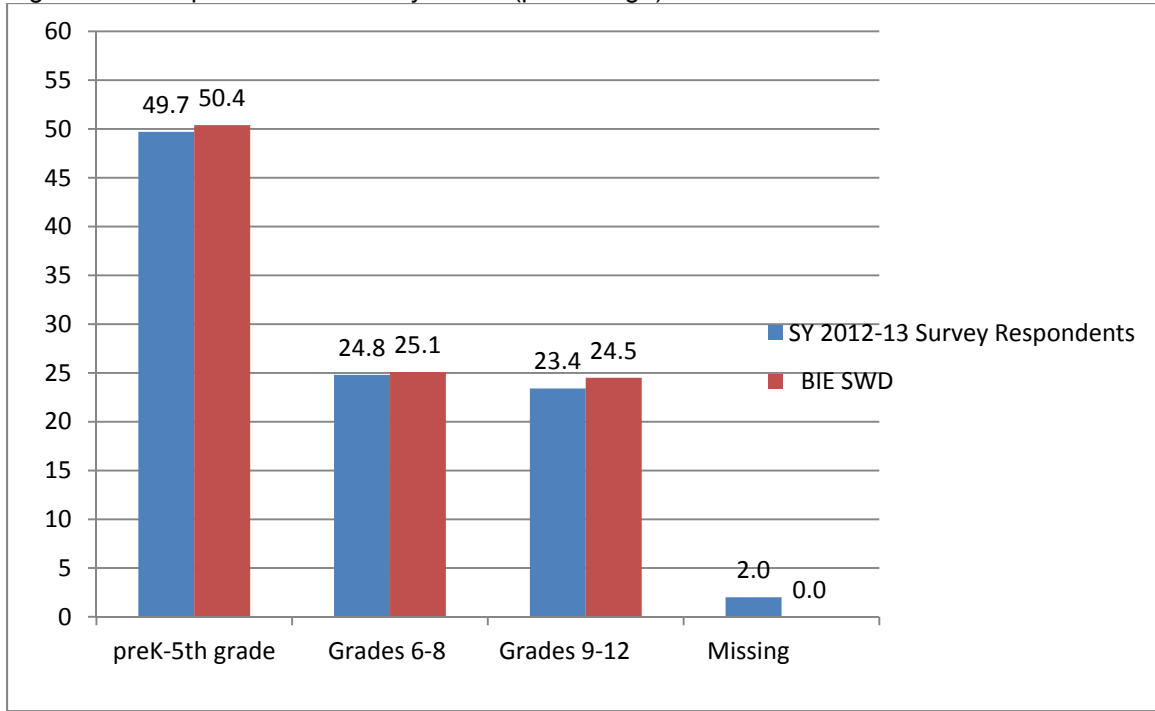
The tool used to measure “the percentage of parents who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities” was the Schools’ Efforts to Partner with Parents Scale (SEPPS). The SEPPS was developed by the National Center for Special Education Accountability Monitoring (NCSEAM) to provide states with a valid and reliable instrument for measuring the extent to which parents perceive that schools facilitate their involvement. Potential items to measure schools’ facilitation of parent involvement, as well as other aspects of parents’ involvement with and perceptions about special education services, were developed with substantial input from parents and other key stakeholders across the country. The survey was printed and distributed to all schools in September 2013.

Representation

Every parent of a student in a BIE school was given the opportunity to complete the survey. According to the December 2013 Analysis of Parent Survey Data Addressing Part B SPP/APR Indicator #8, a report prepared for the BIE by Piedra Data Services indicates “a total of 6,561 surveys were distributed to 174 sites; 3,768 surveys were returned from 152 sites for an overall response rate of 57.43 percent.” The

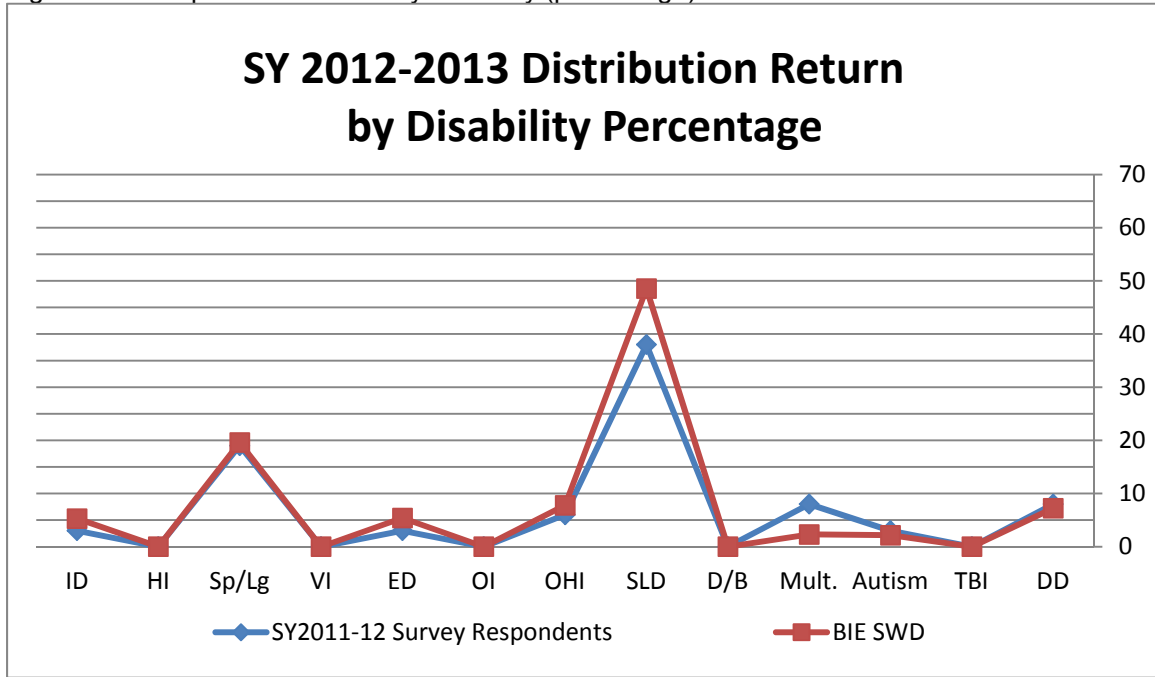
survey responses were aligned with the grade level distribution of students with disabilities within BIE schools. The following figure represents the survey respondents percentage compared to the BIE SWD count percentage by grade level:

Figure 8-1: Respondents Return by Grade (percentage)



The disability survey responses were also represented proportionally across disabilities. The following figure represents the survey respondents percentage compared to the BIE SWD count percentage by disability:

Figure 8-2: Respondents Return by Disability (percentage)



Ethnicity distribution does not apply because the BIE is a unitary ethnic group. In summary, the sampling review of 3,768 parents was conducted. The review was reflective of the disability and grade level distribution of the BIE SWD population.

Reliability and Validity

The survey administered by the BIE consisted of a 25-item rating scale, the SEPPS, developed and validated by the NCSEAM. Demographic items addressing the student’s race/ethnicity, grade, and primary exceptionally were also included. The data set submitted for analysis contained no personally identifiable information on the respondents.

Data from the rating scale were analyzed through the Rasch measurement framework. The analysis produces a measure for each survey respondent on a scale from 0 to 1,000. Each measure reflects the extent to which the parent indicated that schools facilitated their involvement. The measures of all respondents were averaged to yield a mean measure reflecting the overall performance of the BIE sites in regard to schools’ facilitation of parent involvement.

Deriving a percent from a continuous distribution requires application of a standard, or cut-score. The BIE elected to apply the standard recommended by a nationally representative stakeholder group convened by NCSEAM. The recommended standard, established based on item content expressed in the scale, was operationalized as a measure of 600. Thus, the percent of parents who report that schools facilitated their involvement was calculated as the percent of parents with a measure of 600 or above on the SEPPS.

The number of returned surveys exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines found at <http://www.surveysystem.com/sscalc.htm>. The percent of parents who reported that schools facilitated parent involvement, calculated as the percentage of respondents with a SEPPS measure at or above the adopted standard of 600, is 586 percent. The 95 percent confidence interval for the sample percentage is 581.4 percent to 590.5 percent. This means that there is a 95 percent likelihood that the true value of the BIE percentage is between 37.4 percent and 40.5 percent.

Explanation of Progress/Slippage that occurred for FFY 2012:

The survey results data indicated a 2.48 percent decrease (-.99 / .40 = 2.48 percent) from 40.00 percent (FFY 2011) to 39.01 percent (FFY 2012). The decrease may be attributed to the change when the collection of the survey was administered. Previously the parent satisfaction survey was administered in the spring school term in which the survey was evaluating. This year the parent satisfaction survey was not administered until the fall school term, proceeding the school year in which the survey was evaluated. This was necessary due to the awarding of a contract to administer the parent satisfaction survey late in the spring of 2013. This was too late for schools to perform the collection of survey information from each of the parents of students with disabilities and to perform the improvement activities the schools had identified in their Local School Performance Plans.

Table 2: Parents Who Report the School Facilitated Their Involvement- 4 Year Trend (“Strongly Agree” or “Very Strongly Agree” Categories)

FFY	Total number of Parent Respondents	Number who reported school facilitated their involvement	Percentage who reported school facilitated their involvement	Measurable and Rigorous Target	Progress/Slippage
2010	4,014 (3,988*)	1,529	38.34%	38.15%	+1.51%
2011	4,285 (4,267*)	1,717	40.00%	38.34%	+4.33%
2012	3,768	1,470	39.01%	38.34%	-2.48%

(* Parent Respondents provided sufficient data to estimate a measure)

Improvement Activities Completed/Continued that occurred for FFY 2012:

ACTIVITIES	STATUS
BIE provided feedback to the schools’ LSPP including Indicator 8 about their improvement activities.	Completed
BIE provided survey results to the individual schools. The schools used the data to evaluate needs of the school for training to increase parent participation in their child’s IEP decision making process and to improve activities on the LSPP.	Completed

Revisions, with Justification, to Proposed Targets / Improvement Activities, Timelines, and Resources for FFY 2012: N/A

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a. but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
FFY 2012	100%

Actual Target Data for FFY 2012:

97.92%

BIE **did not meet** the identified target.

During FFY 2012, the BIE collected the Indicator 11 data from all schools with academic programs. Data was collected for the 12 month period (July 1, 2012 to June 30, 2013) and desk audits were conducted and verified utilizing NASIS beginning November 18, 2013. The desk audit is one of the components of BIE's integrated monitoring activities.

All schools with academic programs self-reported the initial evaluation using the *Indicator 11 Desk Audit* form and submitted the form to the BIE by September 15, 2013. The BIE reviewed and determined if the data submitted by the schools were initial evaluations utilizing the NASIS to ensure the 60-day timeline had been met for this indicator. The BIE verified the initial evaluation data submitted by the school against the documents in NASIS.

All schools with academic programs were provided advance written notification during the week of May 7, 2013 of the desk audit for the purpose of determining compliance of the 60-day timeline to complete initial evaluations. The schools submitted the *Indicator 11 Desk Audit* form which collected the following information:

- Name of School
- Number of Initial Evaluations for SY 2012-2013

To conduct the Indicator 11 Desk Audit, the BIE reviewed and verified the following documents that schools scanned and uploaded in the NASIS Special Education Module:

1. *Parent Consent to Evaluate* (Assessment Plan) with signature and date, and
2. *Determination of Eligibility* (Evaluation Summary Report) with signature and date.

If the BIE found a discrepancy, the BIE contacted the school for clarification (e.g. if the parent consent had a different date than was indicated on the uploaded document). The electronic desk audit forms were made available on the BIE website on August 26, 2013 as well as the link to download the two documents.

Description (optional) of how the State treated, in its data for Indicator 11, children for whom consent to conduct an initial evaluation was received during FFY 2012, but the timeline for completing the evaluation elapsed after the end of FFY 2012.

Children Evaluated Within 60 Days (or State-established timeline):

a. Number of children for whom parental consent to evaluate was received	771
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	755
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	97.92%

The BIE did **not meet** the identified target. As presented in the table above, during FFY 2012, 755 of 771 (97.92 percent) initial evaluations were completed within the required 60-day timeline. This included initial evaluations that were not completed within the timelines due to allowable exceptions (34 CFR §300.301(d):

- One hundred ten students’ parents repeatedly failed/refused to produce the child for the evaluation, and
- Twenty-one students transferred during the 60-day timeline.

The number of initial evaluations increased from 645 (FFY 2011) to 771 (FFY 2012). The compliance percentage increased from 95.66 percent to 97.92 percent.

As presented in the table below, 16 initial evaluations were conducted beyond the 60-day timeline. The following reasons provided for the delay were not allowable exceptions:

No. of Initial Evaluations	Not Allowable Exceptions
03	Evaluator issues—not available or issues with contract
13	No data per school

The number of days beyond the required 60-day timeline ranged from 1-181 calendar days. This resulted in 16 findings of noncompliance identified at five schools.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2012:

ACTIVITY	STATUS
Disseminated information to Education Line Offices and Schools on implementing a backup plan if an evaluator/school psychologist contract is not established in a timely manner.	Completed
Offered training on Indicator 11 regulatory requirements.	Completed

Explanation of Progress:

As noted in the table below, progress occurred for FFY 2012 from the previous year.

	FFY 2010	FFY 2011	FFY 2012
a. Number of children for whom parental consent to evaluate was received.	724	645	771
b. Number of children whose evaluations were completed within 60-days.	689	617	755
Percent of children with parental consent to evaluate, who were evaluated within 60-days.	95.17%	95.66%	97.92%

The FFY 2012 progress is attributed to the following activities:

- Advance written notification of upcoming monitoring activities.
- Guidance offered to schools through various BIE training activities.
- Offering intense focus on indicator components, schools developed Local School Performance Plans (LSPP) to address improvement activities to achieve Indicator 11 target, and documenting (1) the technical assistance sources accessed, and (2) actions school took as a result of that technical assistance for those that received a “Needs Assistance” for two or more years in their Level of Determination.

Correction of FFY 2011 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY 2010 for this indicator: 95.17 percent.

The 28 findings of noncompliance that were identified during SY 2011-2012 and reported in the FFY 2011 APR were timely corrected and verified as timely corrected based on the review of updated data in the NASIS special education module.

1.	Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	28
2.	Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	28
3.	Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4.	Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5.	Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6.	Number of FFY 2011 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

There was no enforcement actions taken as all findings of noncompliance identified and reported in the FFY 2011 APR were timely corrected and verified by the BIE consistent with the OSEP Memorandum 09-02, dated October 17, 2008.

Verification of Correction of FFY 2011 noncompliance (either timely or subsequent):

Consistent with the OSEP Memorandum 09-02, dated October 17, 2008, the BIE verified that each school with noncompliance:

- Is correctly implementing 34 CFR §300.301(c)(1) at 100 percent compliance based on the review of updated data, and
- Has completed the evaluation, unless the child is no longer within the jurisdiction of the school.

The review of updated data in the NASIS special education module provided confidence and flexibility that a school had corrected previously identified noncompliance and is correctly implementing the specific regulatory requirements of IDEA. The BIE reviewed updated data as follows:

1. The school sends the BIE information of each child that has been referred for an evaluation including:
 - a. NASIS student number
 - b. Grade
 - c. Date of parental consent to evaluate
 - d. Eligibility determination date
 - e. The number of calendar days past the 60-day timeline and the reason for the delay
2. The school scans and uploads into NASIS:
 - a. The parent signature page (Assessment Plan), and
 - b. The BIE Determination Form.
3. BIE verifies the information provided by the school is accurate.
4. Determines if the school has corrected the finding of noncompliance or not.
5. Informs the school of the decision; issues written notification that the school has corrected the finding of noncompliance; or the finding of noncompliance continues to be a finding and enforcement action is applied.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:

The BIE verified that each school is correctly implementing the 34 CFR §300.301(c)(1) requirements and that the evaluations were verified completed consistent with the OSEP Memorandum 09-02, dated October 17, 2008.

Correction of Remaining FFY 2009 Findings of Noncompliance (if applicable): N/A

1. Number of remaining FFY 2009 findings noted in OSEP’s June 2012 FFY 2010 APR response table for this indicator	0
2. Number of remaining FFY 2009 findings the State has verified as corrected	0
3. Number of remaining FFY 2009 findings the State has NOT verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2010 findings:

The four findings of noncompliance were verified corrected in a timely manner consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:

The BIE verified that each school is correctly implementing the 34 CFR §300.301(c)(1) requirements and that the evaluations were verified completed consistent with the OSEP Memorandum 09-02, dated October 17, 2008.

Correction of Any Remaining Findings of Noncompliance from FFY 2009 or Earlier (if applicable):

N/A

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part/Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
FFY2012 (SY 2012-2013)	100%

Actual Target Data for FFY 2012: 77.61%

The BIE did **not meet** the identified target of 100%.

Year	Total number of youth aged 16 and above with an IEP	Total number of youth aged 16 and above with an IEP that meets the requirements	Percent of youth aged 16 and above with an IEP that meets the requirements
FFY 2012 (SY 2012-2013)	996	773	77.61%

The percentage of student files with transition plans which met 100% compliance increased from 48.99 percent in FFY 2011 to 77.61 percent in FFY 2012.

For FFY 2012, the BIE conducted desk audits for 60 high schools using the NASIS. The audit utilized the 8-item National Secondary Transition Technical Assistance Center (NSTTAC) checklist. A review of all students age 16 years old and greater IEP with transition files was conducted. Seven hundred seventy-three of 996 student IEPs with transition files reviewed were at 100 percent compliance. Two hundred twenty-three of 996 IEPs with transition files reviewed had at least one item out of compliance of the 8 item NSTTAC checklist.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

The percentage of student files with transition plans which met 100% compliance increased from 48.99 percent in FFY 2011 to 77.61 percent in FFY 2012.

Improvement activities that have taken place recently include:

- Training to school staff on the requirement to upload required signature/date documents into the NASIS Special Education Module. The training has aided BIE in identification of appropriate regulatory implementation of transition services when reviewing IEP documentation on the NASIS Special Education Module.
- Targeted Technical Assistance from:
 - National Secondary Transition Technical Assistance Center (NSTTAC)
 - National Post-School Outcomes Center (PSO)
 - National Dropout Prevention Center for Students with Disabilities (NDPC-SD)
 - National Secondary Transition Technical Assistance Center (NSTTAC), (professional development at Pine Ridge School, June 2013)

Correction of FFY 2011 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2010 for this indicator: 29.25%

1. Number of findings of noncompliance the State made during FFY 2011	152
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	152
3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

The BIE verified that individual findings of noncompliance were **timely corrected** and each school is correctly implementing the (20 U.S.C. 1416(a)(3)(B)) requirements consistent with the OSEP Memorandum 09-02, dated October 17, 2008.

- One hundred fifty-two individual findings of noncompliance were **timely corrected** and verified corrected. The schools were verified to be correctly implementing the specific regulatory requirements based on a review of updated data and review of student IEP files with transition in the NASIS Special Education Module.

Verification of Correction (either timely or subsequent):

Describe the specific actions that the BIE took to verify the correction of findings:

The BIE verified correction of noncompliance based on the review of updated data in the NASIS special education module (IEPs, supporting signature/date documents and forms) within the required one-year timeline. Using the 8-item NSTTAC checklist, the BIE conducted:

- Corrections verification desk audits of 152 student-specific findings of noncompliance, and
- Updated data review of 3-5 additional active NASIS IEPs and supporting signature/date documents and forms of each of the 40 schools having identified findings of noncompliance to verify that schools were correctly implementing the specific-regulatory requirements.

Improvement Activities/Timelines/Resources for FFY 2012

Activity	Status
On-going technical assistance in transition requirements provided to schools in the use of the NASIS Special Education Module. Regularly scheduled trainings on updates and the use of the special education module in NASIS.	Completed
The Secondary Transition Newsletter was distributed to all schools showcasing successful programs and providing information on resources and best practices.	Completed
Desk audit file reviews of IEPs for those students 16 years old and older were conducted using the NASIS Special Education Module; targeted technical assistance was offered to specific schools.	Completed
Designed and implement effective dropout prevention and graduation models and practices.	Completed

Revisions, with Justification, to Proposed Targets / Improvement Activities /Timelines / Resources for FFY 2012: N/A

Part B State Annual Performance Report (APR) for FFY2012

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.
- B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.
- C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

FFY	Measurable and Rigorous Target
<p>2012 (Leavers from SY2011-2012)</p>	<p>14A: By 2013, 26.0% of youth with IEPs and are no longer in secondary school will be enrolled in higher education within one year of leaving high school.</p> <p>14B: By 2013, 47.5% of youth with IEPs and are no longer in secondary school will be enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>14C: By 2013, 73.5% of youth with IEPs and are no longer in secondary school will be enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>

Actual Target Data for FFY 2012:

BIE did **not meet** the identified target for Measurement A.

BIE **met** the identified target for Measurement B.

BIE did **not meet** the identified target for Measurement C.

Table 14-1: Number and Percent of Leavers Engaged in Employment and/or Education

Category of Leavers	Number	Percent	Target
Interviewed Leavers	382	100.0%	
Measurement A—Percent of youth enrolled in higher education within one year of leaving high school;	85	22.25%	26.0%
Measurement B—Measurement A plus percent of youth competitively employed within one year of leaving high school	190	49.74%	47.5%
Measurement C—Measurement B plus percent of youth enrolled in any other type of post-secondary education/training or employed in any other type of employment	278	72.77%	73.5%

Table 14-2: Number and Percent of Leavers High Schools Reported by Gender

Category of Leavers	Total Student Number	Gender		Percent
		M	F	
	437			
1—Enrolled in higher education as defined in measure A	85	60	25	19.45%
2—Engaged in Competitive employment as defined in measure B (but not in 1)	105	81	24	24.03%
3a—Enrolled in other postsecondary education or training as defined in measure C (but not in 1 or 2) or	a. 43	a. 23	a.20	9.84%
3b—Engaged in some other employment as defined in measure C (but not in 1 or 2)	b. 45	b.36	b. 9	10.30%
Not in any of the above three categories				
• No Activity	104	66	38	23.80%
• Unable to Contact	55	33	22	12.58%
TOTAL	437	299	138	100.0%

Overview of Issue/Description of System or Process:

In July 2013, the 60 BIE high schools were instructed to begin data collection on the 2011-2012 leavers using a survey tool. The high schools contacted or attempted to contact all students who were no longer in high school and had IEPs in effect at the time they left school. The survey tool was developed by the BIE and data was collected electronically using a link to the survey attached to the BIE website. The tool included drop-down items and questions for the school reporter to identify the post-secondary outcome of each student. Individual students were identified by NASIS Number, Disability Code, and Gender.

The Drop-down list of identifying items included items to address the 3 measurements required for reporting in the APR included:

- Enrolled in “higher education.”
- Employed in “competitive employment.”
- Enrolled in “some other post-secondary education or training.”
- Employed in “some other employment.”
- Number of student leavers from SY 2011-2012 the school was unable to contact

In addition, a document “*Defined Terms Associated with Post-School Outcomes Survey*” was attached to the BIE website for schools to utilize in conjunction with reporting. The schools were informed of additional guidance from the National Post School Outcomes Center (www.psocenter.org), the *Frequently Asked Questions* document in a Post-School Survey memorandum.

The deadline to submit the data was October 11, 2013. Fifty-eight high schools submitted data and 2 schools submitted no data. Forty-nine of 58 schools reported complete data (identified the student leavers and their Post-Secondary outcome one year after leaving high school). Four schools reported no leavers during SY 2011-2012. Seven schools did not identify or partially identified and collected data on the students who ‘dropped-out’ during SY 2011-2012 and did not return during SY 2012-2013.

The 58 schools reported a total of 382 respondents (266 males and 116 females). As noted above in Table 14-2, 278 responses were counted in Measurement A, B, or C. In addition, 159 responses fell in one of two categories: No Post-Secondary Activity (104 students) and Unable to Contact (55 students).

The Leavers pool for this indicator identified by analyzing SY 2011-2012 NASIS data as either graduated, aged out, received a certificate and dropped out was 437 students (299 males and 138 females). The overall response rate was 87.41 percent (382 of 437). The response rate by gender was 88.96 percent males (266 of 299) and 84.06 percent (116 of 138) females.

Results were analyzed by gender to determine if any systematic differences existed between males and females. As Table 14-3 indicates, females were more likely than males to be enrolled in higher education and enrolled in some “other” type of post-secondary education or training (39 percent to 24 percent); and more likely to be performing no Post-Secondary Activity (31 percent to 25 percent). Males were more likely than females to be engaged in competitive employment and engaged in some other employment (44 percent to 35 percent).

Table 14-3: Percent of Leaver Responders in Three Categories and additional Post-Secondary Choices, By Gender

Category of Leaver Responders	Males (266)	Females (116)	Total (382)
1. Enrolled in higher education as defined in measure A (85 students) (60 M, 25 F)	22.56%	21.55%	22.25%
2. Engaged in Competitive employment as defined in measure B (but not in 1) (105 students—81 M, 24 F)	30.45%	20.69%	27.48%
3. Enrolled in other postsecondary education or training as defined in measure C (but not in 1 or 2) (43 students) (23 M, 20 F)	8.65%	17.24%	11.26%
4. Engaged in some other employment as defined in measure C (but not in 1 or 2) (45 students—36 M, 9 F)	13.53%	7.76%	11.78%
Not in any of the above three categories (104 students)			
• No Activity (66 M, 38 F)	24.81%	32.76%	27.23%
Total	100%	100%	100%

Table 14-4: SY 2011-2012 Respondents Rate by Disability

Disability Category	Responded	SY 2011-2012 Leavers Pool	Percent Responded
Intellectual Disability	18	21	85.71%
Hearing Impairment	6	6	100%
Speech/Language	3	3	100%
Visual Impairment	1	1	100%
Emotional Disturbance	24	29	82.76%
Orthopedic Impairment	1	1	100%
Other Health Impairment	23	26	88.46%
Specific Learning Disability	289	332	87.05%
Deaf-Blindness	0	0	N/A
Multiple Disabilities	9	9	100%
Autism	4	4	100%
Traumatic Brain Injury	4	5	80.00%
Overall Respondents Rate	382	437	87.41%

Results were analyzed by Disability Categories to determine if any systematic differences existed. With the small number of respondents in many of the disabilities categories, an analysis is difficult and unreliable for several of the disability categories.

As Table 14-5 (SY 2011-12 Leavers Response by Disability) indicates, large segments of students with high needs disabilities were likely to be performing no post-secondary activity at all: Intellectual Disability (50 percent), Emotional Disturbance (54 percent), Multiple Disabilities (56 percent), Traumatic Brain Injury (75 percent).

Students with Specific Learning Disability outcome results were distributed across the various outcomes identifiers:

- 25 percent were enrolled in higher education,
- 30 percent were engaged in competitive employment,
- 10 percent were enrolled in some other post-secondary education or training,
- 11 percent were engaged in some other employment, and
- 23 percent were not engaged in any post-secondary activity at the present time.

Table 14-5: SY 2011-12 Leavers Response by Disability

Responders = 390 M =266; F =124	Enrolled in Higher Education				Engaged in Competitive Employment				Enrolled in Some Other Postsecondary Education or Training			
	Male	%	Female	%	Male	%	Female	%	Male	%	Female	%
ID (14 M, 4 F)	1	7.14			1	7.14			1	7.14	2	50.00
HI (4 M, 2 F)	2	50.00	1	50.00	1	25.00						
VI (1 M, 0 F)					1	100						
SLI (2 M, 1 F)					1	50.00			1	50	1	100
OI (0 M, 1 F)			1	100								
ED (16 M, 8 F)	2	12.50			2	12.50	2	25.00			2	25.00
OHI (19 M, 4 F)	3	15.79	1	25.00	6	31.58	2	50.00	3	15.79		
SLD (197 M, 92 F)	51	25.89	22	23.91	68	34.52	20	21.74	14	7.11	23	16.30
MD (6 M,3 F)					1	16.67			1	16.67		
A (4 M, 0 F)	1	25.00							2	50.00		
TBI (3 M, 1 F)									1	33.33		

All Disabilities by Gender	60	22.56	25	20.16	81	30.45	24	19.35	23	8.65	28	22.58
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All Disabilities by Gender Combined	85		21.79		105		26.92		51		13.08	
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APR Template—Part B

State: BIE

	Engaged in Some Other Employment				No Postsecondary Activity Occurring at Present Time			
	Male	%	Female	%	Male	%	Female	%
ID (14 M, 4 F)	4	28.57			7	50.00	2	50.00
HI (4 M, 2 F)					1	25.00	1	50.00
VI (1 M, 0 F)								
SLI (2 M, 1 F)								
OI (0 M, 1 F)								
ED (16 M, 8 F)	1	6.25	2	25.00	11	68.75	2	25.00
OHI (19 M, 4 F)	4	21.05			3	15.79	1	25.00
SLD (197 M, 92 F)	26	13.20%	6	6.52%	38	19.29%	29	31.52%
MD (6 M, 3 F)	1	16.67	1	33.33	3	50.00	2	66.67
A (4 M, 0 F)					1	5.00		
TBI (3 M, 1 F)					2	66.67	1	100

All Disabilities by Gender	36	13.53	9	7.26	66	24.81	38	30.65
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All Disabilities by Gender Combined	85		21.79		105		26.92	
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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

ACTIVITY	STATUS
1. Conducted desk audit file reviews of IEPs for those students 16 years old and older using the NASIS Special Education Module; offered targeted technical assistance to specific schools.	Completed
2. Offered on-going technical assistance in transition requirements to schools in the use of the NASIS Special Education Module. Scheduled trainings on updates and the use of the NASIS Special Education Module.	Completed
3. Designed and implemented effective dropout prevention and graduation models and practices.	Completed

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/ Resources for FFY 2012:

The BIE confirms that it has completed public reporting on the FFY 2010 performance of BIE-funded schools for Indicator 14 in a manner consistent with the required measurement for this indicator. The FFY 2010 Special Education Indicator Performance data can be found on the BIE website at:

<http://www.bie.edu/cs/groups/xbie/documents/text/idc1-024530.pdf>

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.
Percent = [(b) divided by (a)] times 100.

States are required to use the “Indicator 15 Worksheet” to report data for this indicator (see Attachment A).

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	100%

Actual Target Data for FFY 2012:

99.18%

BIE **did not meet** the identified target.

Describe the process for selecting LEAs for Monitoring:

Indicator 11 Desk Audit—The BIE selected 173 schools with academic programs during SY 2011-2012 to determine if all schools were completing new initial evaluations within 60-calendar days of receiving parental consent.

Indicator 13 Desk Audit—The BIE selected a sampling of 298 student files from 60 high schools during SY 2011-2012 for the desk audit to determine whether students with IEPs aged 16 and above had an IEP that included post-secondary goals that are measurable, annually updated, based on age appropriate transition assessments; transition services courses of study to meet secondary goals, annual IEP goals related to transition service needs, student invites to IEP team meeting, and invitations to representatives of participating agency, if appropriate.

Focused Monitoring—The BIE selected 56 BIE-funded schools with academic programs during SY 2011-2012 in seventeen states to receive an on-site focused monitoring visit of their special education program. Beginning with SY 2011-2012, one-third of the BIE-funded schools were selected for an on-site visit as part of a three-year cycle to visit all 173 schools. The purpose of the on-site visit was to determine compliance with implementing IDEA and to improve outcomes for students with disabilities. The criteria for selecting the fifty-six schools were based on the following:

- Top 10 reading and math scores (AYP)
- Low 40 reading and math scores (AYP)
- Random selection (8 selected; 2 were not visited)

The on-site activities collected monitoring data through the IEP file reviews, classroom observations, interviews, and review of school special education documents.

Indian Student Equalization Program (ISEP)—Each Education Line Office conducted an ISEP Special Education Certification audit of their schools with academic programs utilizing the ISEP certification roster form during SY 2011-2012 to verify and certify that students with disabilities were receiving special education and related services indicated on their IEPs. The results that were submitted to the BIE by December 1 were used to issue written notification of finding(s), as applicable.

Fiscal Management—The BIE Education Line Officers and BIE Administration office recommended 9 BIE-Funded schools during SY 2011-2012 for a fiscal management review of their special education funds (e.g., 15% ISEP, IDEA Part B, and any carryover from the previous year). The following fiscal documents were reviewed to identify the schools: Fiscal Accountability Self-Assessment (FASA), Special Education Spending Plan, child count, personnel paid with special education funds, and services needs data. This was the second year fiscal management reviews were conducted.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2011¹:

ACTIVITY	STATUS
Applied enforcement action for schools that continue to show noncompliance to correct.	Completed.
Offered training for schools and education line offices on sustaining correct practices of specific regulatory requirements.	Completed
Maintained data base to track correction of noncompliance findings.	Completed
Conducted desk audit of IEPs using the NASIS special education module to ensure schools are correctly implementing the specific regulatory requirements based on review of updated data.	Completed

In SY 2011-2012, the BIE reported data for this indicator was 95.09 percent (from the OSEP FFY 2011 SPP/APR Response Table). The noncompliance data being reported for SY 2012-2013 is 99.19 percent. This shows progress as presented in the table below

	FFY 2010 [Identified 2009-2010 corrected within 1-year]	FFY 2011 [Identified 2010-2011 corrected within 1-year]	FFY 2012 [Identified 2011-2012 corrected within 1-year]
Number of total findings	375	855	851
Number corrected within one-year	285	813	844
Percent correction of noncompliance	76.00%	95.09%	99.19%

As noted in the table above, the BIE made substantial progress from 95.09 percent to 99.19 percent. The progress can be attributed to the following:

1. An effective general supervision system that addresses the correction of noncompliance in a timely manner; therefore, providing improved services to students with disabilities.
2. Significant gains in providing valid, accurate, and reliable data for this indicator through quarterly tracking of correction of noncompliance and verification of correction for the APR and quarter PIAP reporting.
3. Offering guidance and expectations to schools and education line offices concerning the requirements for demonstrating the correction of noncompliance within required timelines.
4. Issuing the written notification of finding(s) to schools for monitoring activities (e.g., on-site focused monitoring, I-11 Desk Audit, I-13 Desk Audit, ISEP) on one date resulting in improved tracking of correction of noncompliance within required timelines.
5. Verifying correction based on the review of updated data (IEPs, supporting signature/date documents and forms) in the NASIS Special Education Module within the required one-year timeline. NASIS is the BIEs electronic student information system that includes a special education module that supports the management of IEPs for students with disabilities.
6. Applying enforcement action relative to schools not correctly implementing the specific regulatory requirements.

Note: For this indicator, report data on the correction of findings of noncompliance the State identified in FFY 2011 (July 1, 2011 through June 30, 2012) and verified as corrected as soon as possible and in no case later than one year from identification.

Timely Correction of FFY 2011 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

1. Number of findings of noncompliance the State identified in FFY 2011 (the period from July 1, 2011 through June 30, 2012) (Sum of Column a on the Indicator B15 Worksheet)	851
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	844
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	7

FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	7
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	7
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Verification of Correction for findings of noncompliance identified in FFY 2011 (either timely or subsequent):

Consistent with the OSEP 09-02 memo, dated October 17, 2008, the BIE verified correction of 851 findings of noncompliance identified during SY 2011-2012 and ensured the specific regulatory requirements were correctly implemented as follows based on the review of updated data:

1. Eight hundred thirteen findings of noncompliance were **timely corrected** and verified corrected based on the review of updated data consistent with OSEP Memo 09-02, dated October 17, 2008:
 - Indicator 11—Twenty-eight (28) findings were timely corrected. Each individual case of noncompliance was verified corrected in NASIS by ensuring that two signed documents were correctly scanned and uploaded by the school unless the child was no longer within the jurisdiction of the school. If verification could not be made, the school was contacted to ensure that the required signed documents were uploaded into NASIS. To ensure correct implementation of the specific regulatory requirements, the timely evaluation desk audit form was reviewed to ensure that all requirements were indicated on the form. If the school was in compliance, it was verified that the school was correctly implementing the regulatory requirements and completed the evaluations unless the child was no longer within the jurisdiction of the school. The review of updated data included new student referrals, if any, to ensure that the appropriate regulatory requirements were implemented correctly.

- Indicator 13—One hundred fifty-two (152) findings were timely corrected. Each of the 8-items in the NSTTAC data collection tool was verified corrected by reviewing each student’s transition IEP in NASIS. An additional 3-5 student transition service IEPs were reviewed to ensure that each school was correctly implementing the specific regulatory requirements.
 - Focused Monitoring—Three hundred fifty-six (356) findings were timely corrected. Each individual case of noncompliance was verified corrected in NASIS including required signature/date documents and forms. An additional 3-5 active student IEPs were reviewed to verify the school was correctly implementing the specific regulatory requirement.
 - ISEP—Two hundred ninety-seven (297) were timely corrected. Each individual case of noncompliance was verified corrected in NASIS. An additional 3-5 active student IEPs were reviewed to verify the school was correctly implementing the specific regulatory requirements.
 - Fiscal Management—Eleven (11) findings were timely corrected. Findings, relative to Part B funds, were verified corrected by the fiscal monitoring team comprised of BIE Administration and DPA special education fiscal leads utilizing the Federal Financial System (FFS) for BIE-Operated Schools. For Tribally Controlled Schools, another on-site visit was conducted to review corrections on site.
2. Seven findings of noncompliance were **subsequently corrected** and verified corrected based on the review of updated data consistent with OSEP Memo 09-02, dated October 17, 2008:
- Fiscal Management—Seven (7) findings were subsequently corrected. Quarterly financial reviews were conducted with the school via conference calls to ensure progress in correcting fiscal noncompliance.

The schools’ were not required to correct findings of noncompliance if a student was no longer within their jurisdiction. When the BIE verified that student IEP files were corrected at 100 percent and the specific regulatory requirements were correctly implemented, the BIE issued a written notification of close-out. The BIE monitored the progress of each school throughout the verification process through periodic desk audits, teleconferences, and electronic e-mail as appropriate.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

- Indicator 11—NASIS is utilized to ensure that each individual case of noncompliance has been corrected and that the evaluations were completed before written notification of closure was provided to the school.
- Indicator 13—Technical assistance was provided to schools throughout the year (e.g., conference calls, correspondence, presented at the Summer Institute to notify the schools of the exact requirements for correction, Division of Performance and Accountability (DPA) staff attended the NSTTAC Institute and National Transition Conference, provided TA to schools that were monitored onsite

Focused Monitoring

1. An additional 3-5 active IEP files and supporting signature/date documents and forms uploaded by the schools into the student’s NASIS Special Education Module were reviewed to verify correction and correct implementation of the specific regulatory requirements.
2. The tracking of data for correction of noncompliance for all monitoring activities was refined and maintained for APR and quarter PIAP reporting.

3. The BIE monitored the progress of the school through NASIS desk audits and kept the Education Line Office informed to ensure the correct implementation of the specific regulatory requirements based on the review of the school's updated data in NASIS. This resulted in the subsequent correction of noncompliance.
4. The primary enforcement action was targeted technical assistance and support to the school. Frequent follow-up with the school as well as the Education Line Office were conducted to determine the school's progress in correcting noncompliance.

ISEP—The Education Line Office staff ensured corrections were made. The DPA special education staff verified correction by reviewing updated data (active IEPs and supporting signature/date documents and forms) by reviewing each specific case of finding of noncompliance. An additional 3-5 active IEP files were reviewed to ensure that the school was correctly implementing the specific regulatory requirements based on the review of updated data.

Fiscal Management—The DPA special education unit and BIE Administration verified that the findings were verified corrected (e.g., charges reversed, policy and procedures corrected, etc.) through on-site visits. Letters were sent to the schools that the findings of noncompliance were closed.

The BIE provided intensive targeted technical assistance to two schools (Greasewood and Chemawa) that had difficulty making correction beyond the one-year timeline. The technical assistance included regular follow-up with the school special education contact to determine progress in correcting noncompliance. The BIE continued to monitor the progress of the school through NASIS desk audits, teleconferences, and electronic e-mail to ensure that each student-specific finding of noncompliance had been corrected at 100 percent. As corrections were made, the BIE reviewed the school's updated data (IEPs and supporting signature/date documents and forms) in NASIS to verify the subsequent correction of noncompliance and ensure that the school was correctly implementing the specific regulatory requirements. All findings of noncompliance were verified corrected in October 2013 (Greasewood & Chemawa) and written notification of these close-outs were provided to each school. No further enforcement action was required.

Actions Taken if Noncompliance Not Corrected

Consistent with OSEP Memo 09-02, dated October 17, 2008, all findings were timely and subsequently verified corrected based on the review of updated data and schools were correctly implementing the specific regulatory requirements for:

- Indicator 11
- Indicator 13
- Focused Monitoring
- ISEP
- Fiscal Management

There is no continuing noncompliance from findings identified during SY 2011-2012. Therefore, no further action (e.g., enforcement) was required.

Correction of Remaining FFY 2010 Findings of Noncompliance (if applicable)

If the State reported <100% for this indicator in its FFY 2010 APR and did not report in the FFY 2010 APR that the remaining FFY 2009 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2010 findings noted in OSEP’s FFY 2011 APR response table for this indicator	0
2. Number of remaining FFY 2010 findings the State has verified as corrected	0
3. Number of remaining FFY 2010 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance identified in FFY 2009 or Earlier (if applicable): N/A

Additional Information Required by the OSEP FFY 2011 APR Response Table for this Indicator (if applicable): N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013 (if applicable): N/A

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FY 2011 (7/1/2011) to (6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/2011) to (6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>2. Percent of youth with IEPs dropping out of high school.</p> <p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school or training program, or both, within one year of leaving high school.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>			
<p>3. Participation and performance of children with disabilities on statewide assessments.</p> <p>1. Percent of preschool children with IEPs who demonstrated improved outcomes.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>			
<p>4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.</p> <p>4B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FY 2011 (7/1/2011) to (6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/2011) to (6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.				
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other Dispute Resolution: Complaints, Hearings			
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other Dispute Resolution: Complaints, Hearings			
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other Dispute Resolution: Complaints, Hearings			
11. Percent of children who were evaluated within 60 days of receiving parental consent for	Monitoring Activities: Self-Assessment/ Local APR, Data Review,			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FY 2011 (7/1/2011) to (6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/2011) to (6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Desk Audit, On-Site Visits, or Other: I-11 desk audit	20	28	28
	Dispute Resolution: Complaints, Hearings			
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition service needs.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: I-13 desk audit	40	152	152
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: on-site visits	32	356	356
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FY 2011 (7/1/2011) to (6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/2011) to (6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Visits, or Other: <ul style="list-style-type: none"> • ISEP • Fiscal Management 	25 07	297 18	297 11
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	0	0	0
Sum the numbers down Column a and Column b			851	844
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	99.18%

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/ General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions and were resolved through resolution settlement agreements.

(20 U.S.C. 1416 (a)(3)(B))

Measurement: Percent = (a) divided by 3.1 times 100

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>Target not established</i>

Actual Target Data for 2012:

There were nine due process hearing requests filed in FFY 2012 (SY 2012-13). Five of these requests were resolved during resolution. One request was withdrawn and three were pending at the time of reporting.

Note: The BIE 618 data in ED Facts were not correct. The following table includes the correct data. Table 618 data will be corrected in May 2014 when the window opens.

Hearing Requests	Total
Number of Due Process Complaints Filed	9
Resolution Meetings	5
Written Settlement Agreements reached through resolution meetings	5
Hearings fully adjudicated	0
Due Process Complaints Pending	3*
Due Process complaints withdrawn or dismissed (including resolved without a hearing)	6

*Two of the three pending Due Process complaints have been resolved. One was withdrawn and another was resolved through mediation agreement.

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for FFY 2012): N/A

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /
Resources for FFFY 2012: N/A**

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/ General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416 (a)(3)(B))

Measurement: Percent – [(2.1(a)(i)+2(b)(i)) divided by 2.1] times 100%

FFY	Measurable and Rigorous Target
<i>FFY 2012</i>	<i>Target not established</i>

Actual Target Data for 2012:

The BIE had ten requests for mediation received through all dispute resolution processes. There were three mediations held as a result of due process complaints resulting in three mediation agreements. For the dates of data submission, there were four mediations pending of which, three have subsequently been resolved. This leaves one potential mediation pending. At this time, the school and complainant are attempting to resolve their issues prior to entering mediation. Three mediation requests were withdrawn.

Note: The BIE 618 data in ED Facts were not correct. The following table includes the correct data. Table 618 data will be corrected in May 2014 when the window opens. As the following table indicates, the three mediations held resulted in three mediation agreements.

FFY 2012 Mediations (SY 2012-13)	Total
Mediations Requested	10
Mediations Held	3
Mediations held related to Due Process Complaints	3
Mediation Agreements related to Due Process Complaints	3
Mediations held NOT related to Due Process Complaints	0
Mediation Agreements NOT related to Due Process Complaints	0

Mediations Pending	4*
Mediations withdrawn or not held	3

*Three of the four pending mediations have been resolved (after the reporting dates). Two resulted in mediation agreements and one was withdrawn. Total mediations held or pending is 7 (less than 10).

Discussion of Improvement Activities and Explanation Slippage, if the State did not meet its target that occurred for FFY 2012: N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012: N/A