

Bureau of Indian Education

# Annual Performance Report

**2010-2011**



Bureau of Indian Education  
2/1/2012

Revised 4/17/2012 Clarification

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**2010-2011 Annual Performance Report  
Bureau of Indian Education  
Introductory Statement**

During SY 2010-2011, the Bureau of Indian Education (BIE) continued their 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 Bureau's 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, annual conferences, and regularly scheduled webinar training sessions, schools have increased their level of understanding of data requirements and analysis.

Prior to 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 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 ESEA. The BIE oversees a total of 183 elementary and secondary schools, located on 64 reservations in 23 states. Of these, 59 are BIE-operated and 124 are Tribally-operated under BIE contracts or grants. The Bureau also funds or operates off-reservation boarding schools and peripheral dormitories near reservations for students attending public schools. 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 met on January 12, 2012, 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.

**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>

**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 located in 23 different 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 that there are different expectations for graduation rate in each state. Currently, the BIE uses the adjusted cohort model for calculation, but still must adhere to the varied graduation rate expectancy as determined within each state. The BIE also has many high schools that have a small number of students and a small number of students with disabilities (SWD).

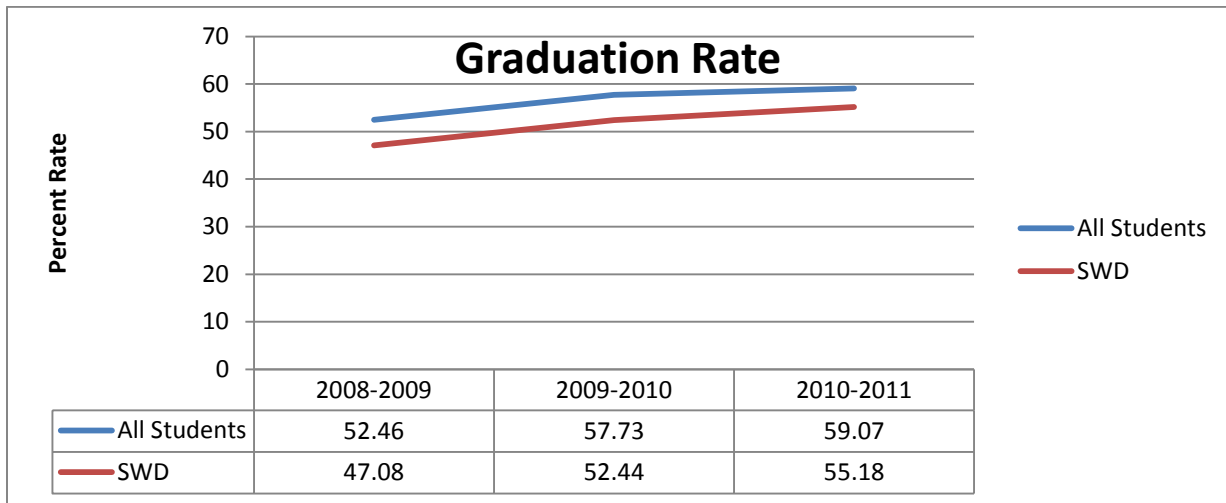
All of these factors have led the BIE in the past to not focus on a single graduation rate for each school, but rather looking at closing the graduation percentage gap between all students and SWD. This analysis, while trying to give schools located in different states some equality, becomes insignificant since the number of graduating students at each school is so small that just a minor change in the student count at a school will widely affect the percentages being reported. In addition, there have been several schools in past reporting years, such as in SY 2008-2009, that had no gap to close and thus no meaningful information could be gathered from them using the gap analysis. Some of these schools included Lower Brule Day School, Mandaree Day School, and Many Farms Day School.

With these wide percentage differences between years and in the case of several schools with no gap to close, it is difficult to determine what progress a school is making on increasing the percent of youth with IEPs graduating from high school. In an effort to make this information more clear and meaningful, the BIE is changing its target in its 2012 SPP revision for this reporting year and future years to focus on increasing the graduation rate at each school. The target for FFY 2010 is listed below.

FFY	Measurable and Rigorous Target
<b>2010 (2010-2011)</b>	Increase the amount of students with IEPs graduating from high school with a regular diploma by at least .5% over the 2009-2010 SY graduating SWD percentage.

**Actual Target Data for 2010-2011:**

In SY 2009-2010, the BIE had a 52.44% SWD graduation rate. In order to meet the target for this year, the BIE needed to have a new graduation rate of 52.94%. According to the data listed below, the BIE **MET** its target for this FFY. Note: This data is the same data reported in the Consolidated State Performance Report (CSPR).

**Graph 1** SY 2010-2011 High School Graduation Rates by the All Students and the SWD Subgroups.

Numbers for SY 2010-2011 Calculation

2010-2011	9 <sup>th</sup> grade cohort	Trans. In	Trans. Out	Deceased	Total	Grads	Rate [Grads/ Total]
All	3364	1560	1968	0	2956	1746	59.07%
SWD	446	167	198	0	415	229	55.18%

The 2010-2011 percentage of students with IEPs graduating from high school with a regular diploma exceeded the SY 2009-2010 percentage by 2.74%.

**Discussion of Improvement Activities Completed for SY 2010-2011:**

ACTIVITY	STATUS
1. WebEx training to all the schools is offered throughout the school year on special education topics including secondary transition services	Scheduled Web ex trainings occurred throughout SY 2010-2011 and will continue through SY 2011-2012 with a session on Secondary Transition requirements and issues
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	Distributed fall 2010 and will distribute for SY 2011-2012 with information specific to graduation.
3. Desk audit file reviews of IEPs for those students 16 years old and older will be conducted using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Completed Spring 2011 and fall of 2011.  Began annual cycle in the fall of each year beginning SY 2011-2012
4. On-going technical assistance in transition requirements provided to schools in the use of the special education module in NASIS. Regularly scheduled trainings on updates and the use of the special education module in NASIS.	Continuing - Ongoing as the need arises Annually Training includes secondary transition and what is required for the desk audit process. Further training and technical assistance will be provided in areas of transition that represent the greatest challenges. Training will be delivered at regional locations.
5. National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	Breakout sessions on Secondary Transition were presented at the September 2011 academy attended by the schools and line offices; and will also be included at the September 2012 event.
6. Regional work sessions with schools on AYP calculation and data analysis.	Completed during July – September of 2011 and will continue each year  Members of the DPA special education unit attended these sessions, along with the Data unit and provided technical assistance to the schools as needed in the area of graduation as it applies to AYP determination.

<p>7. Design and implement effective dropout prevention and graduation models and practices.</p>	<p>January 2011 through December 2013</p> <p>Training will be conducted by National Dropout Prevention Center for Students with Disabilities (NDPC-SD). Of 41 schools invited to participate, 19 schools have responded. Thirteen (13) schools will comprise Cohort I and 4 schools will comprise the Control Group. Training will be conducted by NDPC-SD for Cohort I will begin in late March. Training for Cohort II will begin in Fall 2012.</p>
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**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator 2:** Percent of youth with IEPs dropping out of high school.

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

<b>Measurement:</b> 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.
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The data collection and reporting for this indicator is the same as that used for ESEA reporting.

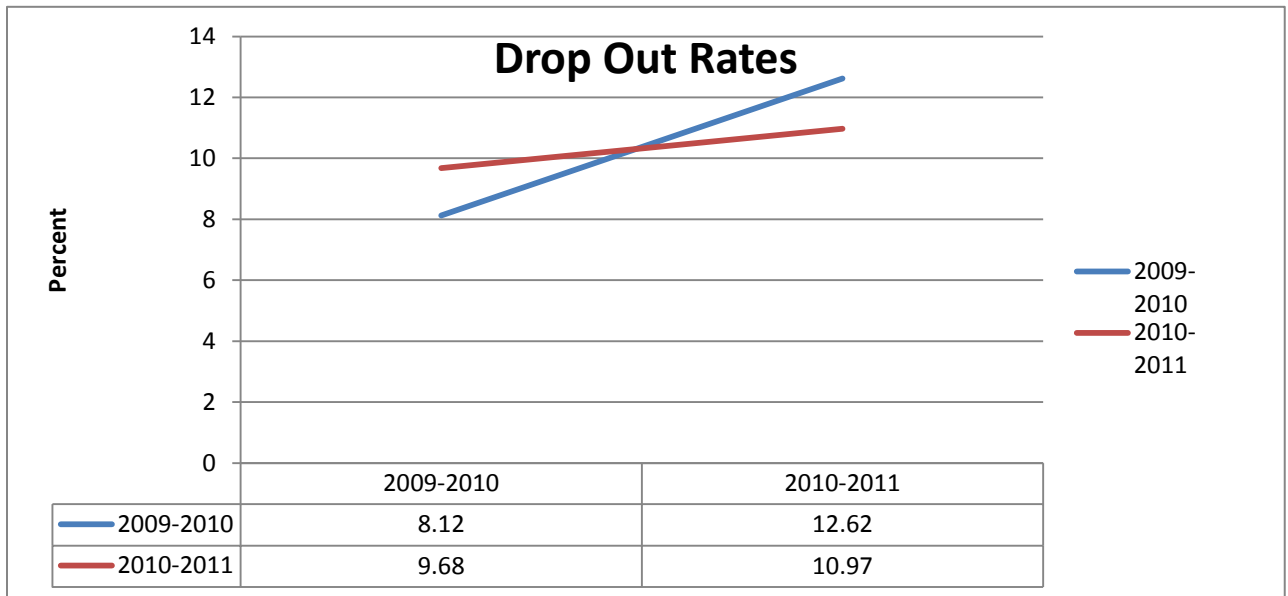
FFY	Measurable and Rigorous Target
<b>2010 (2010-2011)</b>	<b>The drop-out rate of students with disabilities attending BIE operated High Schools will not exceed 9.0%</b>

**Actual Target Data for 2010-2011****Display 2-1: Drop-outs**

	2009-2010	2009-2010 numbers	2010-2011	2010-2011 numbers	Gain/Slippage
<b>Students with Disabilities</b>	8.12%	1,810	12.62%	1,624	The BIE did not meet its target for this SY.
		DO = 147		DO = 205	
<b>All Students</b>	9.68%	13,460	10.97%	13,017	The BIE had slippage compared to the previous year.
		DO = 1303		DO = 1428	

**Target: Not Met**

The target for SY 2010-2011 was not met (9.0% = target and 12.62% was the actual drop-out rate achieved by students with disabilities).

**Display 2-2: Two Year Trend – All Students and Students with Disabilities:****Explanation of Progress or Slippage that occurred for SY 2010-2011:**

The BIE is investigating why there has been a large increase in the dropout rate. It is possible schools are counting students as drop outs incorrectly, but further investigation will be required to know some of the reasons.

**Discussion of Improvement Activities Completed for SY 2010-2011:**

ACTIVITY	STATUS
1. WebEx training to all the schools is offered throughout the school year on special education topics including secondary transition services	Scheduled Web ex trainings occurred throughout SY 2010-2011 and will continue through SY 2011-2012 with a session on Secondary Transition requirements and issues.
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	Distributed fall 2010 and will distribute for SY 2011-2012 with information specific to dropout prevention programs.
3. Desk audit file reviews of IEPs for those students 16 years old and older will be conducted using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Completed Spring 2011 and fall of 2011  Began annual cycle in the fall of each year beginning SY 2011-2012
4. On-going technical assistance in transition requirements provided to schools in the use of the special education module in NASIS.  Regularly scheduled trainings on updates and the use of the special education module in NASIS.	Continuing - Ongoing as the need arises  Annually  Training includes secondary transition and what is required for the desk audit process.  Further training and technical assistance will be provided in areas of transition that represent the greatest challenges. Training will be delivered at regional locations.
5. National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	Breakout sessions on Secondary Transition were presented at the September 2011 academy attended by the schools and line offices; met with schools on the Dropout Prevention Initiative; the September 2012 event will also include the Dropout Prevention activity.
6. Regional work sessions with schools on AYP calculation and data analysis.	Completed during July – September of 2011 and will continue each year  Members of the DPA special education unit attended these sessions, along with the Data unit and provided technical assistance to the schools as needed in the area of dropout data as it applies to AYP determination.

<p>7. Design and implement effective dropout prevention and graduation models and practices.</p>	<p>January 2011 through December 2013</p> <p>Training will be conducted by National Dropout Prevention Center for Students with Disabilities (NDPC-SD).</p> <p>Of 41 schools invited to participate, 19 schools have responded. Thirteen (13) schools will comprise Cohort I and 4 schools will comprise the Control Group. Training will be conducted by NDPC-SD for Cohort I will begin in late March. Training for Cohort II will begin in Fall 2012.</p>
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**Part B State Annual Performance Report (APR) for FFY 2010****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 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. AYP percent =  $\left[ \left( \frac{\text{\# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup}}{\text{total \# of districts that have a disability subgroup that meets the State's minimum "n" size}} \right) \times 100 \right]$ .
- B. Participation rate percent =  $\left[ \left( \frac{\text{\# of children with IEPs participating in the assessment}}{\text{total \# of children with IEPs enrolled during the testing window, calculated separately for reading and math}} \right) \times 100 \right]$ . 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 =  $\left[ \left( \frac{\text{\# of children with IEPs enrolled for a full academic year scoring at or above proficient}}{\text{total \# of children with IEPs enrolled for a full academic year, calculated separately for reading and math}} \right) \times 100 \right]$ .

**Targets and Actual Target Data for FFY 2010:**

FFY 2010	Measurable and Rigorous Targets				
	Districts Meeting AYP for Disability Subgroup (3A)	Participation for Students with IEPs (3B)		Proficiency for Students with IEPs (3C)	
		Reading	Math	Reading	Math
Targets for FFY 2010 (2010-2011)	3% Increase Over FFY 2009 Percentage of 9% = 12%	96%	96%	.5% Increase Over FFY 2009 Percentage of 16.51% = 17.01%	.5% Increase Over FFY 2009 Percentage of 14.98% = 15.48%

Actual Target Data for FFY 2010 2010-2011)	#	%	#	%	#	%	#	%	#	%
	7 of 33	21.21%	3642	98.25	3644	93.15	665	18.99	603	16.58

**3.A - Actual AYP Target Data for FFY 2010:**

FFY	Measurable and Rigorous Target
FFY 2010	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 (9%).

**Target Met**

Districts with a disability subgroup that meet the State's minimum "n" size AND met the State's AYP target for the disability subgroup.

Year	Total Number of Districts	Number of Districts Meeting the "n" size	Number of Districts that meet the minimum "n" size and met AYP for FFY 2010	Percent of Districts
FFY 2010 (2010-2011)	173	33	7	21.21%

**3.B – Actual Participation Target Data for FFY 2010:**

FFY	Measurable and Rigorous Target
2010 (2010-2011)	96%

**Target Met****Disaggregated Target Data for Math Participation:**

Statewide Assessment 2010-2011		Math Assessment							
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	Total
									# %
a	Children with IEPs	568	573	549	574	551	537	560	3912 100
b	IEPs in regular assessment with no accommodations	297	283	233	262	219	213	155	1662 44.77
c	IEPs in regular assessment with accommodations	212	229	255	256	271	252	163	1638 44.13

d	IEPs in alternate assessment against grade-level standards	12	10	10	12	9	11	23	<b>87</b>	<b>2.34</b>
e	IEPs in alternate assessment against modified standards	15	19	17	15	23	29	7	<b>125</b>	<b>3.37</b>
f	IEPs in alternate assessment against alternate standards	24	24	27	16	19	17	5	<b>132</b>	<b>3.56</b>
g	Overall (b+c+d+e+f) Baseline	560	565	542	561	541	522	353	<b><u>3644</u></b>	<b><u>93.15</u></b>
Children included in a but not included in the other counts above										
In your narrative, account for any children with IEPs who did not participate.		#	#	#	#	#	#	#		

**Disaggregated Target Data for Reading Participation:**

Statewide Assessment 2010-2011		Reading Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	Total	
									#	%
a	Children with IEPs	568	573	550	573	549	537	357	3707	100
b	IEPs in regular assessment with no accommodations	299	284	237	271	229	222	148	1690	45.59
c	IEPs in regular assessment with accommodations	202	227	250	250	262	252	150	1593	42.97
d	IEPs in alternate assessment against grade-level standards	12	10	11	12	7	9	22	83	2.24
e	IEPs in alternate assessment against modified standards	24	20	20	13	25	27	16	145	3.91

f	IEPs in alternate assessment against alternate standards	24	24	26	16	18	16	7	<b>131</b>	<b>3.53</b>
g	Overall (b+c+d+e+f) Baseline	561	565	544	562	541	526	343	<b>3642</b>	<b>98.25</b>
Children included in <i>a</i> but not included in the other counts above										
In your narrative, account for any children with IEPs who did not participate.		#	#	#	#	#	#	#		

**Explanation of Progress or Slippage that occurred for FFY 2010: Target was met for reading and not met for mathematics. In trying to determine why the denominator for reading is less than the denominator for mathematics, it appears there are a number of reasons for this. In many cases, students were not present for the entire testing windows in their states. Thus, they took some of the assessments, but not all of them. Some of the reasons included having an illness, being expelled, and being suspended.**

### 3.C – Actual Performance Target Data for FFY 2010

FFY	Measurable and Rigorous Target
<b>2010 (2010-2011)</b>	Increase the amount of students with disabilities achieving at the proficient or higher level by .5% based upon the previous year's percentage (FFY 2009 data was 15.02% for Mathematics and 17.07% for Reading/Language Arts). Therefore, the FFY 2010 targets are 15.52% for Mathematics and 17.57% for Reading/Language Arts.

### **Disaggregated Target Data for Math Performance: # and % of students enrolled with IEPs that scored proficient or higher**

Statewide Assessment 2010-2011		Math Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	554	562	541	561	539	523	356	<b>3636</b>	
b	IEPs in regular assessment with no accommodations	116 (22.83%)	78 (15.32%)	57 (11.68%)	54 (10.38%)	48 (9.82%)	40 (8.58%)	24 (7.48%)	<b>417</b>	<b>12.63</b>
d	IEPs in alternate assessment against grade-level standards	6 (50.00%)	7 (70.00%)	6 (60.00%)	3 (27.27%)	5 (55.56%)	7 (63.64%)	15 (65.22%)	<b>49</b>	<b>56.98</b>
e	IEPs in alternate assessment against modified standards	6 (40.00%)	13 (68.42%)	5 (29.41%)	10 (66.67%)	13 (56.52%)	9 (31.03%)	4 (50.00%)	<b>60</b>	<b>47.62</b>



f	IEPs in alternate assessment against alternate standards	9 (47.37%)	17 (70.83%)	18 (69.23%)	10 (66.67%)	9 (50.00%)	11 (63.64%)	3 (65.22%)	77	62.60
g	Overall (b+d+e+f) Baseline	137 (24.73%)	115 (20.46%)	86 (15.90%)	77 (13.73%)	75 (13.91%)	67 (12.81%)	46 (12.92%)	603	16.58

**Disaggregated Target Data for Reading/Language Arts Performance: # and % of students enrolled with IEPs that scored proficient or higher**

Statewide Assessment 2010-2011		Reading Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	513	527	512	527	510	508	404	3501	
b	IEPs in regular assessment with no accommodations	88 (19.05%)	67 (14.14%)	69 (15.00%)	73 (14.84%)	53 (11.37%)	77 (16.78%)	75 (19.95%)	502	15.74
d	IEPs in alternate assessment against grade-level standards	7 (63.64%)	8 (80.00%)	6 (75.00%)	5 (45.45%)	3 (60.00%)	5 (71.43%)	9 (69.23%)	43	66.15
e	IEPs in alternate assessment against modified standards	11 (45.83%)	9 (45.00%)	6 (30.00%)	3 (25.00%)	8 (32.00%)	15 (55.56%)	5 (62.50%)	57	41.91
f	IEPs in alternate assessment against alternate standards	9 (56.25%)	15 (65.22%)	11 (45.83%)	8 (66.67%)	9 (64.29%)	7 (46.67%)	4 (57.14%)	63	56.76
g	Overall (b+d+e+f) Baseline	115 (22.42%)	99 (18.79%)	92 (17.97%)	89 (16.89%)	73 (14.31%)	104 (20.47%)	93 (23.02%)	665	18.99

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010: Target was Met.**

For SY 2010-2011, students with disabilities scored proficient or higher at a level of 16.58% for Mathematics and 18.99% for Reading/Language Arts. This represents an increase of 1.56% (16.58% - 15.02%) for Mathematics and an increase of 1.42% (18.99% - 17.57%) for Reading/Language Arts. There are a number of contributing factors to the success of meeting these targets. Several of these are discussed in the below activity list:

ACTIVITY	STATUS	
Train line office and school level personnel on Accommodations and Modifications needed to increase the achievement level of SWD.	<p>This activity will continue throughout SY 2011-2012.</p> <p>The level of SWD in the general education classroom &gt;80% has increased by 4.10%, and the level of SWD in the general education classroom &lt;40% has decreased by 1.32%.</p> <p>Students with disabilities have greater access to the general education curriculum from which they are assessed.</p>	
Conduct regional work sessions with schools on AYP calculation and data analysis.	<p>This activity will continue throughout SY 2011-2012.</p> <p>The activity provided an opportunity for schools and BIE-DPA to evaluate and proof data and AYP calculations for accurate and timely reporting.</p>	
<p>Provide training to schools and line offices on Accommodations and Modifications required to increase the achievement level of SWD.</p> <ul style="list-style-type: none"> <li>• Annual National Special Education Academy</li> <li>• Summer Institute WebEx trainings</li> </ul>	<p>Fall of each year</p> <p>Summer of each year</p> <p>Throughout the school year</p>	<p>BIE</p> <p>Outside consultants on occasion</p>
<ul style="list-style-type: none"> <li>• BIE program managers will be invited to attend special education staff meetings to present current projects/ programs in efforts to promote coordination and maximize resources necessary for increased student achievement.</li> </ul>	<p>A minimum of 2 times per year</p>	<p>DPA program managers</p>
Regional work sessions with schools on AYP calculation and data analysis.	<p>Summer and fall of each year</p>	<p>DPA data unit</p>

**Public Reporting Information:** <http://www.bie.edu/HowAreWeDoing/Scorecards/index.htm>

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

Statement from the Response Table	State's Response
The BIE did not provide valid and reliable data. The BIE must provide the required data, for FFY 2009 in the FFY 2010 APR, due February 1, 2012.	The data requested is listed below this response table.

**FFY 2009 APR Corrected Data Per OSEP Response Table**

***Disaggregated Target Data for Math Performance: # and % of students enrolled with IEPs that scored proficient or higher***

Statewide Assessment		Math Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
<b>2009-2010</b>										
a	Children with IEPs	598	529	519	583	524	503	438	<b>3694</b>	
b	IEPs in regular assessment with no accommodations	127 (23.22%)	78 (16.28%)	47 (10.11%)	56 (10.65%)	44 (9.54%)	39 (8.63%)	29 (7.46%)	<b>420</b>	<b>12.65</b>
c	IEPs in regular assessment with accommodations									
d	IEPs in alternate assessment against grade-level standards	17 (62.96%)	6 (40.00%)	10 (52.63%)	14 (73.68%)	16 (69.57%)	9 (69.23%)	6 (75.00%)	<b>78</b>	<b>62.90</b>
e	IEPs in alternate assessment against modified standards	4 (28.57%)	12 (50.00%)	13 (50.00%)	8 (26.67%)	11 (34.38%)	17 (58.62%)	26 (78.79%)	<b>91</b>	<b>48.40</b>
f	IEPs in alternate assessment against alternate standards	4 (40.00%)	5 (45.45%)	3 (33.33%)	2 (25.00%)	2 (25.00%)	4 (44.44%)	4 (50.00%)	<b>24</b>	<b>38.10</b>
g	Overall (b+c+d+e+f) Baseline	152 (24.73%)	101 (20.46%)	73 (15.90%)	80 (13.73%)	73 (13.91%)	69 (12.81%)	74 (12.92%)	<b>622</b>	<b>16.84</b>

**Disaggregated Target Data for Reading/Language Arts Performance: # and % of students enrolled with IEPs that scored proficient or higher**

Statewide Assessment 2009-2010		Reading Assessment Performance							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	598	531	518	583	526	504	439	3699	
b	IEPs in regular assessment with no accommodations	90 (16.51%)	60 (12.40%)	48 (10.39%)	71 (13.45%)	70 (15.02%)	47 (10.42%)	47 (11.46%)	433	12.94
c	IEPs in regular assessment with accommodations									
d	IEPs in alternate assessment against grade-level standards	18 (60.00%)	7 (53.85%)	12 (75.00%)	5 (54.55%)	11 (55.00%)	11 (73.33%)	6 (85.71%)	77	61.60
e	IEPs in alternate assessment against modified standards	6 (42.86%)	10 (43.48%)	4 (15.38%)	9 (31.03%)	12 (37.50%)	18 (62.07%)	9 (60.00%)	68	40.48
f	IEPs in alternate assessment against alternate standards	8 (88.89%)	7 (63.64%)	3 (37.50%)	2 (25.00%)	5 (62.50%)	4 (44.44%)	4 (57.14%)	33	55.00
g	Overall (b+c+d+e+f) Baseline	122 (20.40%)	84 (15.82%)	67 (12.93%)	94 (16.12%)	98 (18.63%)	80 (15.87%)	66 (15.03%)	611	16.52

**Gap Between All Students in Proficient Scores in Reading and Math (FFY 2009)**

	MATH		READING/LA	
	2008-2009	2009-2010	2008-2009	2009-2010
All	33.26%	30.48%	37.55%	39.45%
SWD	15.71%	16.84%	15.17%	16.52%
Gap	17.55%	13.64%	22.38%	22.93%

The target for FFY 2009 for improving proficiency among students with disabilities versus the general education population is to reduce the gap by 20%. For mathematics, this represents decreasing the gap between the two groups by 3.51%. This **target was met** in 2009-2010. However, the scoring for reading showed an increase in the gap between the two groups by 0.55%. For reading, the **target was not met**.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable): None.**

## TA Sources and Actions

**TA Sources Accessed:**

1. BIE/DPA Data Unit
2. Northwest Evaluation Association  
Center for Innovation and Improvement  
(Native Star)

**Actions Taken as Result of TA:**

- School Administrators and Education Line Officer trainings during AYP Tours on specific special education topics, APR indicator targets including statewide assessment, AYP calculation, and data analysis
- Special education staff attendance in NWEA 2011 Fusion Conference lead to conducting off- and on-site TA to schools linking data to student outcomes in IEP goals development.
- Developed interview questions relative to assessments and access to general education curriculum to collect data from school administrators, teachers, and parents during the on-site monitoring visits and were subsequently analyzed to provide targeted TA
- 2011 BIE Special Education Academy theme was *Strengthening Partnerships between Special and General Education for Positive Student Outcomes--A Shared Responsibility*. General and special educators attended academy
- BIE/DPA staff knowledgeable of Native Star and collaborating on instructional focus for the schools.

**Part B State Annual Performance Report (APR) for FFY 2010****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. Because the Bureau of Indian Education is a system wide Native American school system, Indicator 4B does not apply. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Measurement:**

- A. Percent =  $\left[ \left( \frac{\text{\# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs}}{\text{\# of districts in the State}} \right) \times 100 \right]$ .
- B. Percent =  $\left[ \left( \frac{\text{\# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards}}{\text{\# of districts in the State}} \right) \times 100 \right]$ .

Include State's definition of "significant discrepancy."

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

- 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.

**Review of 2009-2010 data.****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 Bureau of Indian Education. 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 secondary grades.

Schools reporting less than 2 incidents of suspension/expulsion, and still exceeding the rate of suspension/expulsion greater than two times the average for the Bureau of Indian Education are not identified as a school with significant discrepancy. An individual incident, in many of the BIE funded schools, with their low numbers of SWD, can be a false identifier of suspension/expulsion significance.

FFY	Measureable and Rigorous Target
<b>2010 (2009-2010 data)</b>	<b>No more than 2 of the 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.</b>

**Target: Not met.**

#### **Review of 2009-2010 data.**

On Table 5 the BIE reported a total of 184 students who were out-of-school suspended or expelled for a period (either a single or a combination of days) that equaled greater than ten days.

The Bureau's average rate per total special education enrollment was 2.77%, (184 students >10 days/6644 SWD count). When calculated for schools having a secondary program, the average was 4.38%, (150 students >10 days/3428 SWD secondary count) and for Elementary schools the average was 1.06%, (34 students >10 days/3216 SWD elementary count).

The tables below identify those schools which exceeded the systemic average for their group by a multiple of 2.

#### **High School (Secondary Schools) Suspension-Expulsion > 10 Days data:**

The BIE includes in the secondary group any school that includes a 12th grade. The BIE has 60 schools in this category. The significant discrepancy is defined as 2 times the categorical average (**4.38 % X 2 = 8.76%**).

**Table: Secondary Suspensions and Expulsions > 10 Days (SY2009-2010 data)**

<b>Secondary Schools Having Significant Discrepancy in Suspension/Expulsion Rates &gt; 10 Days</b>				
<b>School</b>	<b>Grade Level</b>	<b>SWD Count</b>	<b>Suspension / Expulsion &gt;10 Days</b>	<b>Rate S/E &gt; 10 days</b>
Many Farms High	9-12	66	7	10.61%
Greyhills Academy High	9-12	55	10	18.18%
Dishchii'bikoh Community	K-12	45	6	13.33%
Tohono O'odham High	9-12	26	5	19.23%
Northern Cheyenne Tribal	K-12	42	7	16.67%
Two Eagle River	K-12	14	3	21.43%
Shoshone-Bannock	6-12	18	3	16.66%
Circle of Life	K-12	34	5	14.71%
Shiprock Northwest High	7-12	45	5	11.11%
Little Wound	K-12	56	9	16.07%
Yakama Nation Tribal	9-12	10	6	60.00%

<b>Choctaw Central High</b>	<b>9-12</b>	<b>88</b>	<b>9</b>	<b>10.23%</b>
<b>Standing Rock Community</b>	<b>9-12</b>	<b>145</b>	<b>15</b>	<b>10.34%</b>

The above schools are 13 of 60 schools in the secondary group. **Yakama Nation, Shoshone-Bannock and Two Eagle River** are highlighted in green due to the small 'n' size for SWD. The BIE has determined that 'n' sizes below 20 SWD may yield data of limited reliability; an individual incident of suspension and/or expulsion can have a significant effect on their suspension/expulsion rate. The schools in this category will be notified of their numbers just as the other schools and they will be expected to address the root cause of the issue.

All of the above listed schools are of great concern and will receive priority technical assistance. 4 of the 13 identified schools have rates of suspension/expulsion in the 2 to 3 times the category average range (8.40%-12.60%).

#### Elementary Suspension-Expulsion > 10 Days data:

The BIE includes in the elementary group any school that includes any grades between kindergarten and eighth but does not include grades nine through twelve. The significant discrepancy is defined as 2 times the categorical average ( $1.06\% \times 2 = 2.12\%$ ).

**Table 9: Elementary Suspensions and Expulsions > 10 Days (SY2009-2010 data)**

Elementary Schools Having Significant Discrepancy in Suspension/Expulsion Rates > 10 Days				
School	Grade Level	SWD Count	Suspension / Expulsion >10 Days	Rate S/E > 10 days
Gila Crossing Day	K-8	72	3	4.17%
JKL Bahweting Anishnabe	K-8	47	3	6.38%
Ch'ooshgai Community	K-6	35	2	5.71%
Lummi Tribal	K-6	64	3	4.69%
Tate Topa Tribal	K-8	90	4	4.44%
Turtle Mountain Middle	6-8	51	7	13.73%
Na' Neelzhiin Ji' Olta	K-8	20	1	5.00%
Crystal Boarding	K-6	7	1	14.29%
Paschal Sherman Indian	K-9	35	1	2.86%
Bogue Chitto Elementary	K-8	22	1	4.55%
Choctaw Central Middle	7-8	24	1	4.17%
Conehatta Elementary	K-8	44	1	2.27%
Sitting Bull Day	K-8	13	1	7.69%

The above schools are 13 of 113 schools in the elementary group. **Crystal Boarding, Na'Neelzhiin Ji' Olta, and Sitting Bull Day** are highlighted in green due to the small 'n' size for SWD. The BIE has determined that 'n' sizes below 20 SWD may yield data of limited reliability; an individual incident of suspension and/or expulsion can have a significant effect on their suspension/expulsion rate. All of the above listed schools are of great concern and will receive priority technical assistance.

7 of 13 schools in the elementary group report less than 2 incidents of suspension/expulsion, and still exceed the rate of suspension/expulsion greater than 2 times the average, 2.12%. Schools with single incidents of suspension/expulsion are not identified as schools with significant discrepancy.



**Review of Policies, Procedures and Practices:**

The BIE did not complete the process to identify findings of non-compliance of the 19 schools that exceeded significant discrepancy. The BIE developed a plan to complete the process and subsequent years:

**Plan for Indicator 4A: Suspension and Expulsion  
2009-2010 and 2010-2011**

<u>TASK</u>	<u>DATE</u>	<u>RESPONSIBLE PARTY</u>
1. Notification to Schools (2009-2010 and 2010-2011), ELO and ADD that exceed 2 times the BIE rate of Suspensions/Expulsions	By 04/24/2012	DPA
a. Complete and send to DPA the (form) <i>BIE Student File Review for Students with Disabilities Who have been Suspended or Expelled for Greater than 10 Days in a School Year.</i>	By 05/07/2012	School/ELO/ADD
b. Send to DPA information on:		
1. Positive Behavioral Interventions and Supports		DPA
2. Procedures for IEP Development and Implementation		
3. Procedural Safeguards		
2. DPA reviews documentation to determine compliance or findings of non-compliance and issues Written Notification	By 05/14/2012	School/ELO/ADD
3. Schools with findings of non-compliance shall complete the Corrective Action Plan (CAP), attached	05/14/2012 to 05/01/2013	School/ELO/ADD
4. DPA will review files and notify Schools of closeout or continued status of non-compliance based on data received from Schools per CAP	12/10/2012	
5. If verification cannot be made, CAP implementation continues	Until 05/01/2013	DPA
6. DPA will review files and notify Schools of closeout or continued status of non-compliance.	By 05/13/2013	
If school does not correct, enforcement is applied	Beginning 05/14/2013	

**Plan for Indicator 4A: Suspension and Expulsion**

<u>TASK</u>	<u>DATE</u>	<u>RESPONSIBLE PARTY</u>
1. Notification to LEA (Schools), ELO and ADD that exceed 2 times the BIE average rate of Suspensions/Expulsions:	By 08/15 of each year	DPA
a. Complete and send to SEA (DPA) the (form) <i>BIE Student File Review for Students with Disabilities Having Suspension and/or Expulsions Greater than 10 Days in a School Year</i>	By 10/01 of each year	School/ELO/ADD
b. Send to DPA information on:		
i. Positive Behavioral Interventions & Supports		
ii. Procedures for IEP Development & Implementation		
iii. Procedural Safeguards		
2. DPA reviews documentation to determine compliance or findings of non-compliance and issues Written Notification	By the last Friday of December each year	DPA
3. Schools with findings of non-compliance shall complete the Corrective Action Plan (CAP), sample CAP attached	From January 1 to second Friday in April	School/ELO/ADD
4. Schools sends completed CAP to DPA to document verification and sends copy to the school with notification of corrections	No later than the last Friday of December of the following year	School/ELO/ADD
5. If school does not correct, enforcement is applied	Begin the last Friday of December of the following year	DPA

**Correction of Remaining Findings of Noncompliance FFY2009 (using SY2008-2009 data):**

1. Number of remaining FFY 2009 non-compliance schools identified in OSEP's June 3, 2010 response table for this indicator.	<b>0</b>
2. Number of remaining FFY 2009 non-compliance schools the BIE has verified as corrected.	<b>0</b>
3. Number of remaining FFY 2009 findings the BIE has not verified as corrected. [(1) minus (2)].	<b>0</b>

**Explanation of Progress or Slippage that occurred for FFY 2010:**

BIE did not meet the indicator target. BIE saw improvement in the elementary group, going from 8 elementary schools having significant discrepancy FFY 2009 to 6 for FFY 2010. In the secondary group slippage occurred, going from 11 secondary schools having significant discrepancy in FFY 2009 to 13 secondary schools for FFY 2010.

BIE's data collection instrument, NASIS, is collecting real-time, accurate data that is providing a truer picture of the systemic data.

The Systemic rate of suspensions and expulsions has decreased from 4.01% in FFY 2009 to 2.77% for FFY 2010. Also, the total number of students who were out-of-school suspended or expelled for a period (either a single or a combination of days) that equaled greater than ten days has decreased from 220 students FFY 2009, to 184 students FFY 2010. Progress can be attributed to BIE-DPA targeted training of administrators and special education staff in the disciplining of SWD.

The behavior information collected from BIE schools during SY 2009-10 is not as accurate or reliable as data quality standards prescribe. The different definitions by which data concerned with student behavior were entered into the NASIS system during this reporting period are the primary reason why reporting varied across the bureau.

In SY 2010-11, the BIE implemented the NCES' *Safety in Numbers* reporting system into the data collection processes supported by NASIS, and provided to the schools a version of the *Safety in Numbers* guidance that corresponded with the specific needs of BIE schools. Data collections from this year forward are dramatically improved over data collected from SY 2009-10.

In addition to issues surrounding the quality of the data that BIE reported to DARS for SY 2009-10, some variance in reported data is also expected across school years due to the change in how data were collected based on the *Safety in Numbers* model.

Because of the small 'n' size of SWD in many of our schools an individual incident of suspension and/or expulsion can have a significant effect on their suspension/expulsion rate. The Bureau has 91/173 (52.6%) schools with 30 or less students identified with disabilities.

#### **BIE Schools SWD Suspension/Expulsion rate >10 Days**

	<b>Systemic Rate</b>	<b>Secondary Rate</b>	<b>Elementary Rate</b>
<b>FFY2008 SY2007- 2008 data</b>	1.35%	2.05%	.60%
<b>FFY2009 SY2008 – 2009 data</b>	4.01%	6.31%	1.54%
<b>FFY2010 SY2009 – 2010 data</b>	2.77%	8.76%	2.12%

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009:**

<b>ACTIVITY</b>	<b>STATUS</b>
The National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis	This activity will be included at the September 2012 event.  Breakout sessions on the topic of Discipline of Student with Disabilities were presented at the September 2011 Academy attended by the schools and line offices.
BIE Summer Institute	This activity will be included at the June 2012 event.  Breakout sessions on the topic of Discipline of Student with Disabilities were presented at the June 2011 Institute attended by the schools and line offices.

ACTIVITY	STATUS
BIE-DPA provided training in the area of discipline of students with disabilities and NASIS data entry training classes to school personnel.	<p>This activity will continue during the SY 2011-2012.</p> <p>Scheduled Web ex trainings occurred throughout SY 2010-2011 with a session on Classroom Behavior Management Practices and on NASIS data entry training classes.</p>
Utilizing the LSPP process, through feedback to schools of school improvement activity, BIE-DPA encouraged Schools to clarify/ examine/develop activities to reduce incidents of suspensions and/or expulsion.	<p>This activity will continue during the SY 2011-2012.</p> <p>Schools have implemented improvement strategies to reduce incidents of suspensions and/or expulsion.</p> <p>90% of the schools wrote improvement activities for implementation and BIE-DPA observation/analysis.</p>
<i>Implement the BIE Self-Assessment Tool: Long-Term Suspension / Expulsion Rates</i>	<p>The tool will continue to be used during the SY 2011-2012.</p> <p>The tool has assisted schools in identifying potential areas in need of improvement related to significant discrepancy of suspension and expulsion rates for students with disabilities, and has assisted schools in revising policies, practices and procedures as necessary to assure IDEA compliance.</p> <p>Schools have responded with positive comment on the value of the Self-Assessment tool in providing correct regulatory practice and procedure when administering discipline for SWD.</p>
Provide training to schools on the impact of parent participation in their child's IEP decision making process.	<p>This activity will continue during the SY 2011-2012.</p> <p>In review of student IEPs and the SY 2010-2011 Parent Survey, IEP decisions are being made with parent as part of the IEP Team. Schools have taken great effort in accommodating for the attendance of parents.</p> <p>Parents reported in the Special Education Parent Survey a 1.51% increase (strongly agree, very strongly agree) that schools facilitated parent involvement as a means of improving services and results for SWD.</p>
<p>Provide training on the use of a new NASIS form titled:</p> <p><i>BIE Student File Review: Students with Disability having Suspension or Expulsion Greater than 10 Days in a School Year</i></p>	<p>Additional training to schools in the implementation of the document will continue during SY 2011-2012.</p> <p>The tool was available to download and use from the IEP website, starting December 2010. The tool was added as a form to the NASIS special education module in November 2011.</p> <p>The document is intended to assist schools in the review of a student's individualized education program (IEP) file in assurance of IDEA discipline procedural safeguard compliance when a change of placement occurs by way of suspension or expulsion for &gt; 10 school days in a school year.</p>

ACTIVITY	STATUS
Provide training to schools and line offices on the RTI process for all students.	This activity will continue during the SY 2011-2012.  BIE funded schools are utilizing or exploring the utilization of the RTI process.

**Measurable and Rigorous Targets for FFY 2011, FFY 2012**

FFY	Measurable and Rigorous Target
<b>2011</b>	Maintain at the FFY 2009 level as reported in February 2012 APR; No more than 13 of the BIE high schools or 6 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.
<b>2012</b>	Maintain at the FFY 2009 level as reported in February 2012 APR; No more than 13 of the BIE high schools or 6 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.

**Improvement Activities/Timelines/Resources for SY 2011-2012:**

Activity	Timeline	Resources
Provide 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).	SY 2011-2012	NASIS  DPA Special Education Unit  WebEx trainings  BIE Summer Institute  Special Education Academy  Consultants
Utilizing systemic data analysis of Local School Performance Plans and School Self-assessment Tool: <i>Long-Term Suspension / Expulsion Rates</i> , provide feedback to the schools about their improvement activities as they relate to Indicator 4.	SY 2011-2012	DPA Special Education Unit

Activity	Timeline	Resources
Provide training to schools on the impact of parent participation in their child's IEP decision making process.	SY 2011-2012	DPA Special Education Unit WebEx trainings BIE Summer Institute Special Education Academy
Provide training on the use of the NASIS form titled:  <i>BIE Student File Review Students with Disability having Suspension or Expulsion Greater than 10 Days in a School Year</i>	SY 2011-2012	DPA WebEx trainings BIE Summer Institute Special Education Academy
Provide training to schools and line offices on the RTI process for all students.	SY 2011-2012	BIE Summer Institute Special Education Academy NCA Conference DPA Special Education

## Part B State Annual Performance Report (APR) for FFY 2010

## Overview of the Annual Performance Report Development:

<b>Monitoring Priority: FAPE in the LRE</b>
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**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 is collected for this indicator via the student information system (NASIS). Via this application, schools can track all environment data based on IEP entry. Schools are trained to produce validation reports to ensure all students identified as receiving special education services has a valid entry to location and length of services received. In turn, DPA for the BIE can retrieve that information by student, by school or by aggregated data across the entire BIE.

The IEP special education module is a part of NASIS and logs all environment settings as entered on the student IEP. DPA for the BIE can retrieve that information by student, by school or by aggregated data across the entire BIE.

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

FFY	Measurable and Rigorous Target
2010	<p>Show at least a 1% growth in the numbers of students receiving appropriate special education services inside the regular class 80% or more of the day.</p> <p><b>Target Goal (71.87%)</b> (71.16 + .71 = 71.87%)</p>

**Target: Met (74.08%)**

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

FFY	Measurable and Rigorous Target
2010	Show at least .5% decrease in the numbers of students receiving appropriate special education services inside the regular class less than 40% of the day. Target Goal (7.28%) (7.32 - .0366 = 7.28%)

Target: Met (6.34%)

**C. Private or separate schools, residential placements, homebound or hospital placements**

FFY	Measurable and Rigorous Target
2010	No more than .98% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings. Target Goal is dependent upon SWD count.

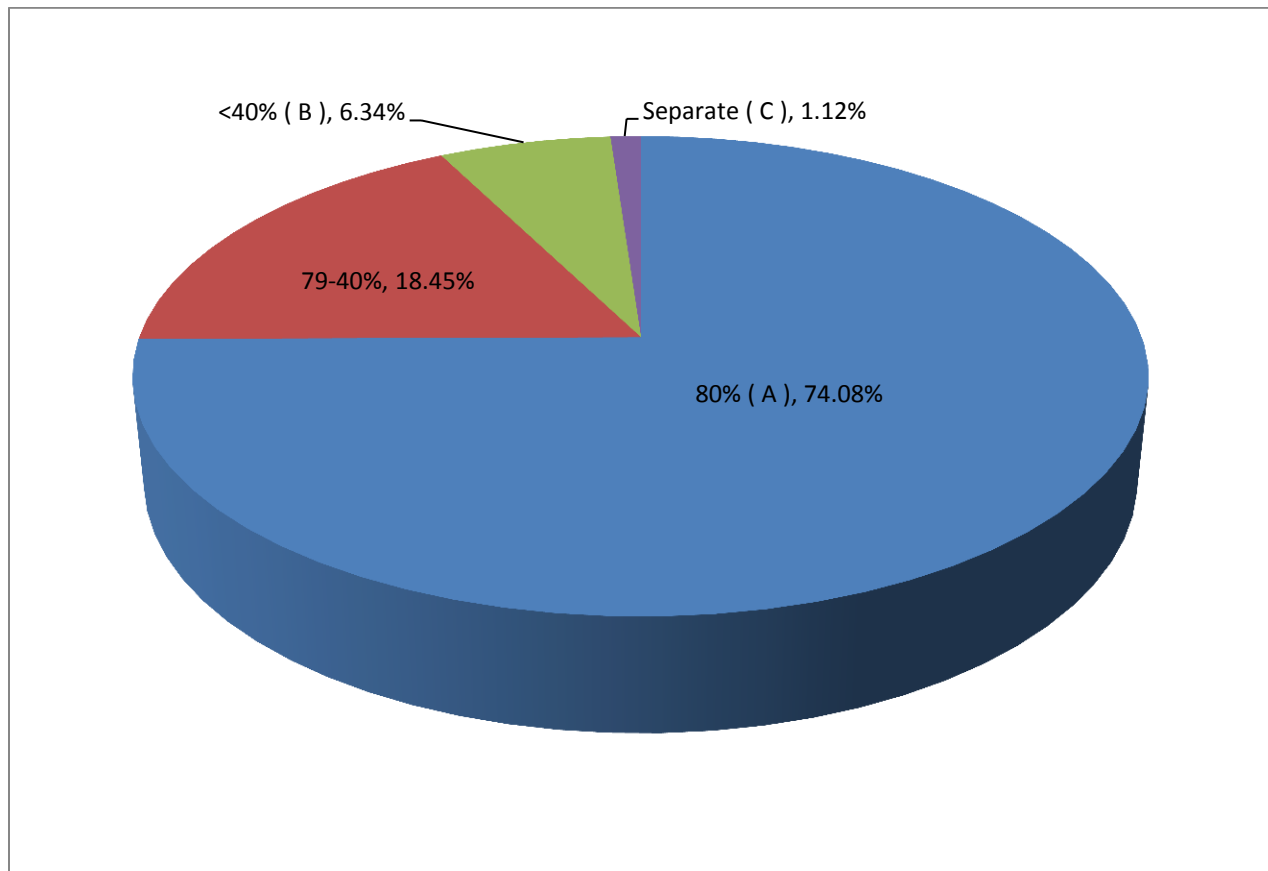
Target: Not Met (1.12%)

Actual Target Data for FFY 2010:

Table: FFY 2010 Environments Distribution

Category	Ages 6-21	%	Target
A. Inside gen. ed. > 80%	4745	74.08	71.87
Inside gen. ed. 40-79%	1182	18.45	
B. Inside gen. ed. <40%	406	6.34	7.28
C. Separate combined	72	1.12	.98
Total	6405	100%	



**Graph: Ages 6-21 FFY 2010 Environment****Explanation of Progress or Slippage that occurred for FFY 2010:**

The 618 data showed an increase in the total number of BIE school-age students with IEPs (52 students for a change of .82%) compared to FFY2009. BIE number of students identified with a disability has decreased since FFY 2007.

Students Identified with Disabilities (ages 6-21)	
FFY 2010	6,405
FFY 2009	6,353
FFY 2008	6,400
FFY 2007	6,732

The 618 data showed that the identification of Students with Specific Learning Disabilities has 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 SLD (ages 6-21)	
FFY 2010	3,318
FFY 2009	3,426
FFY 2008	3,550
FFY 2007	3,743

**Indicator 5A.**

The BIE **did meet the identified target.**

The 618 data showed a **4.10% increase** for FFY 2010. BIE has demonstrated progress in increasing the number of students receiving appropriate special education services inside the regular class 80% or more of the day. BIE has worked diligently in providing students with disabilities greater access to general education curriculum. BIE has provided training to general education and special education staff in instructional delivery of educational curriculum to SWD.

Inside the regular class 80% or more of the school day (ages 6-21)	
FFY 2010	74.08%
FFY 2009	71.16%
FFY 2008	69.48%
FFY 2007	64.17%
FFY 2006	65.01%

**Indicator 5.B.**

The BIE **did meet the identified target.**

The 618 data showed a **1.32% decrease** for FFY 2010. BIE has demonstrated progress in decreasing the number of students receiving appropriate special education services inside the regular class less than 40% of the day. BIE has worked diligently in providing students with disabilities greater access to special education services in the general education classroom. BIE has provided 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 SWD greater access to general education curriculum.

Inside the regular class less than 40% of the school day (ages 6-21)	
FFY 2010	6.34%
FFY 2009	7.32%

Inside the regular class less than 40% of the school day (ages 6-21)	
FFY 2008	7.41%
FFY 2007	9.08%
FFY 2006	8.92%

**Indicator 5.C.**

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

The 618 data showed a **1.43% increase** for FFY 2010. The BIE is .25%, below the rigorous target. Due to the nature of the BIE system, how remote some schools are, and the severity of the student's disability, the BIE has found it to be difficult and at times is not able to provide services at the school locations. BIE has had to consider separate schools and/or residential placements for students to receive the specialized services they require.

The BIE percentage of students served in separate schools and/or residential placements (1.12%) is far below the national mean average of all States of 3.8% (SPP/APR 2011 Indicator Analyses).

BIE-DPA has 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.

Inside the regular class less than 40% of the school day (ages 6-21)	
FFY 2010	1.12%
FFY 2009	.98%
FFY 2008	.81%
FFY 2007	.82%
FFY 2006	.84%

**Improvement Activities Completed/Continued for FFY 2010:**

ACTIVITIES	STATUS
BIE-DPA 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.	<p>This activity will continue during the SY 2011-2012.</p> <p>The level of SWD in the general education classroom &gt;80% has increased, and the level of SWD in the general education classroom &lt;40% has decreased. The level of students who receive services in separate schools, residential placements, in hospital settings or in homebound settings has risen, but is far below the national mean average of all States of 3.8%.</p>

ACTIVITIES	STATUS
<p>BIE-DPA provided WebEx trainings on Least Restrictive Environment related topics. (Procedural Safeguards, Co-Teaching, National Instructional Materials Accessibility Standards, and Assistive Technology).</p>	<p>This activity will continue during the SY 2011-2012.</p> <p>Scheduled Web Ex trainings occurred throughout SY 2010-2011 with a session on Least Restrictive Environment issue (Procedural Safeguards, Co-Teaching, National Instructional Materials Accessibility Standards, and Assistive Technology).</p> <p>Schools have responded with positive comment on the value of the training in providing correct regulatory practice and procedure in the educational placement for SWD.</p>
<p>BIE-DPA conducted systemic data analysis of Local School Performance Plans, and provided feedback to the schools about their improvement activities.</p>	<p>This activity will continue during the SY 2011-2012.</p> <p>Schools have implemented improvement strategies to:</p> <ul style="list-style-type: none"> <li>• Increase the percent of children with IEPs served inside the regular class 80% or more of the day</li> <li>• Decrease the percent of children served inside the regular class less than 40% of the day</li> <li>• Decrease the percent of children served in separate schools, residential placements, in hospital settings or in homebound settings</li> </ul> <p>90% of the schools wrote improvement activities for implementation and BIE-DPA observation/analysis.</p>
<p>BIE-DPA provided training to schools on the impact of parent participation in their child's IEP decision making process.</p>	<p>This activity will continue during the SY 2011-2012.</p> <p>In review of student IEPs and the SY 2010-2011 Parent Survey, IEP decisions are being made with parent as part of the IEP Team. Schools have taken great effort in accommodating for the attendance of parents.</p> <p>Parents reported in the Special Education Parent Survey a 1.51% increase (strongly agree, very strongly agree) that schools facilitated parent involvement as a means of improving services and results for SWD.</p>
<p>BIE-DPA provided training to schools and line offices on the RTI process for all students.</p>	<p>This activity will continue during the SY 2011-2012.</p> <p>BIE funded schools are utilizing or exploring the utilization of the RTI process.</p> <p>The identification of students with Specific Learning Disability has decreased as more schools implement RTI and practice research-based instructional delivery methods.</p>

**Measurable and Rigorous Targets for FFY 2011, FFY 2012:****A. Inside the regular class 80% or more of the day**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2011</b>	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
<b>2012</b>	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

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

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2011</b>	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%
<b>2012</b>	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%

**C. Private or separate schools, residential placements, homebound or hospital placements**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2011</b>	No more than .65% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings.
<b>2012</b>	No more than .45% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings.

**Improvement Activities/Timelines/Resources for SY 2011-2012:**

ACTIVITY	TIMELINE	RESOURCES
Provide training related to the Least Restrictive Environment via WebEx presentation, and school on-site training opportunities, (NASIS reporting, Procedural Safeguards, assistive technology, National Instructional Materials Standard, co-teaching strategies).	SY 2011-2012	BIE NASIS DPA Special Education Unit WebEx trainings On-site School training BIE Summer Institute Special Education Academy
WebEx trainings on Least Restrictive Environment related topics. (Procedural Safeguards, Co-Teaching, National Instructional Materials Accessibility Standards, and Assistive Technology).	SY 2011-2012	DPA Special Education Unit WebEx trainings On-site School training BIE Summer Institute Special Education Academy
Utilize systemic data analysis of Local School Performance Plans, and provide feedback to the schools about their improvement activities.	SY 2011-2012	BIE-Funded Schools DPA Special Education Unit
Provide training to schools on the impact of parent participation in their child's IEP decision making process.	SY 2011-2012	BIE-Funded Schools DPA Special Education Unit WebEx trainings BIE Summer Institute Special Education Academy
Provide training to schools and line offices on the RTI process for all students.	SY 2011-2012	BIE Summer Institute Special Education Academy NCA Conference ELOs, Principals presentations DPA Special Education

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

<b>Monitoring Priority: FAPE in the LRE</b>
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**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
2010	Increase percent of parents indicating satisfaction at or above the standard by 1%. (38.15%- 'Strongly Agree' or "Very Strongly Agree") (37.77% + .38% = 38.15%)

**Target: Met**

**Actual Target Data for FFY2010:**

The BIE **did meet the identified target.**

**Display 8-1: FFY2010 Percent of Parents Who Report the School Facilitated Their Involvement**  
(Strongly Agree' or "Very Strongly Agree' categories)

	FFY 2010 Data	FFY 2010 Target
Total number of Parent Respondents	4,014 (3988*)	
Number who reported school facilitated their involvement	1,529	
Percentage who reported school facilitated their involvement	38.34%	38.15%

3988\* Parent Respondents provided sufficient data to estimate a measure

FFY 2010 Target (37.77% + .38% = 38.15%)

**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 in a scan able format and distributed to all schools in March 2011.

**Representation**

The data collected by the survey instrument is representative of the BIE student population. The survey instrument was used as a census survey, not a sampling survey. Every parent of a student in a BIE school was given the opportunity to rate Indicator #8. Additionally, according to the June 2011 Analysis of Parent Survey Data Addressing Part B SPP/APR Indicator #8, a report prepared for the BIE by Piedra Data Services reads “A total of 6,976 surveys were distributed to 174 sites; 4,014 surveys were returned from 152 sites for an overall response rate of 57.54% (59.19%\*).

The number of returned surveys exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines (e.g. <http://www.surveysystem.com/sscalc.htm>).”

The survey responses were aligned with the grade level distribution of students with disabilities within BIE schools. The disability survey responses were also represented proportionally across disabilities.

Ethnicity distribution does not apply to the BIE as the system is American Indian.

**Reliability and Validity**

The survey administered by the BIE consisted of a 25-item rating scale, the SEPPS, developed and validated by the National Center for Special Education Accountability Monitoring (NCSEAM).

The survey that is being used by the BIE is based on a scale that looks at the number of question responses that fall in the ‘Strongly Agree’ or ‘Very Strongly Agree’ categories. By that measure of satisfaction there were 1,529 parents that indicated the school facilitated parent involvement as a means of improving services and results for children with disabilities. This is 38.84% which does meet our target goal, 38.15%.

**Explanation of Progress/Slippage that occurred for FFY 2010:**

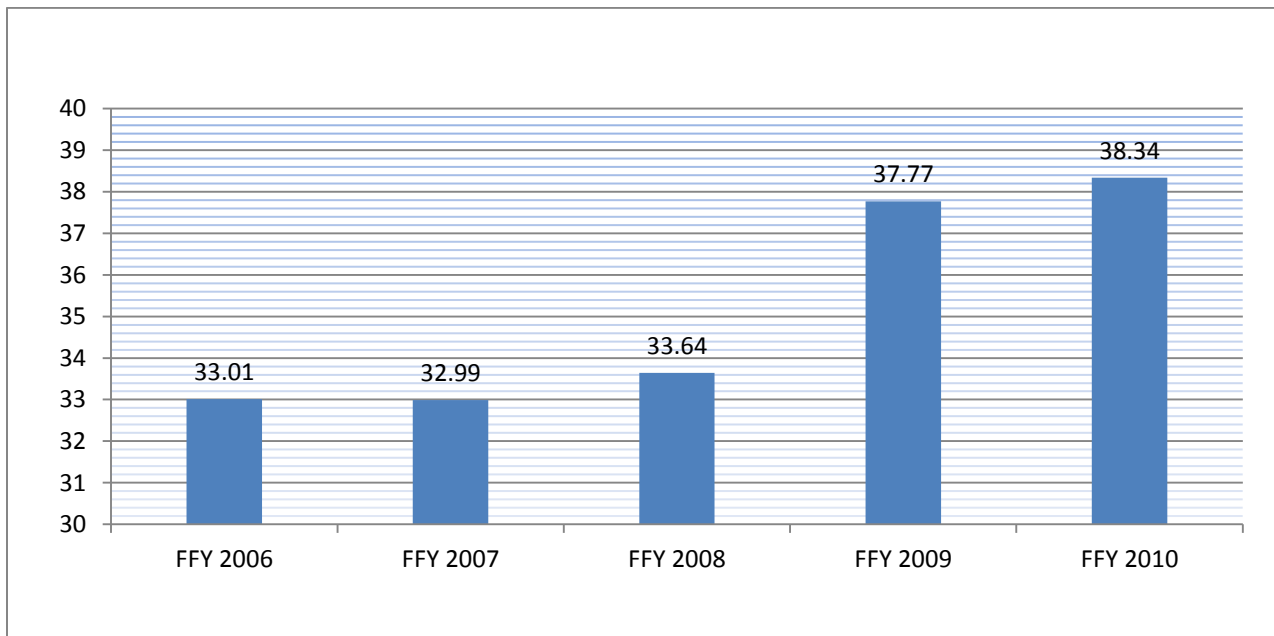
The 618 data showed a **1.51% increase** for FFY 2010. The increase was the result of increased training to schools on the impact of parent participation and the schools implementation of improvement activities in parent involvement.



**Display 8-2: Parents Who Report the School Facilitated Their Involvement- 5 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	Progress
<b>2006</b>	2,087	689	33.01%	
<b>2007</b>	3,143	1,037	32.99%	<.06>
<b>2008</b>	4,052	1,363	33.64%	+1.97%
<b>2009</b>	3,990	1,507	37.77%	+12.28%
<b>2010</b>	4,014 (3988*)	1,529	38.34%	+1.51%

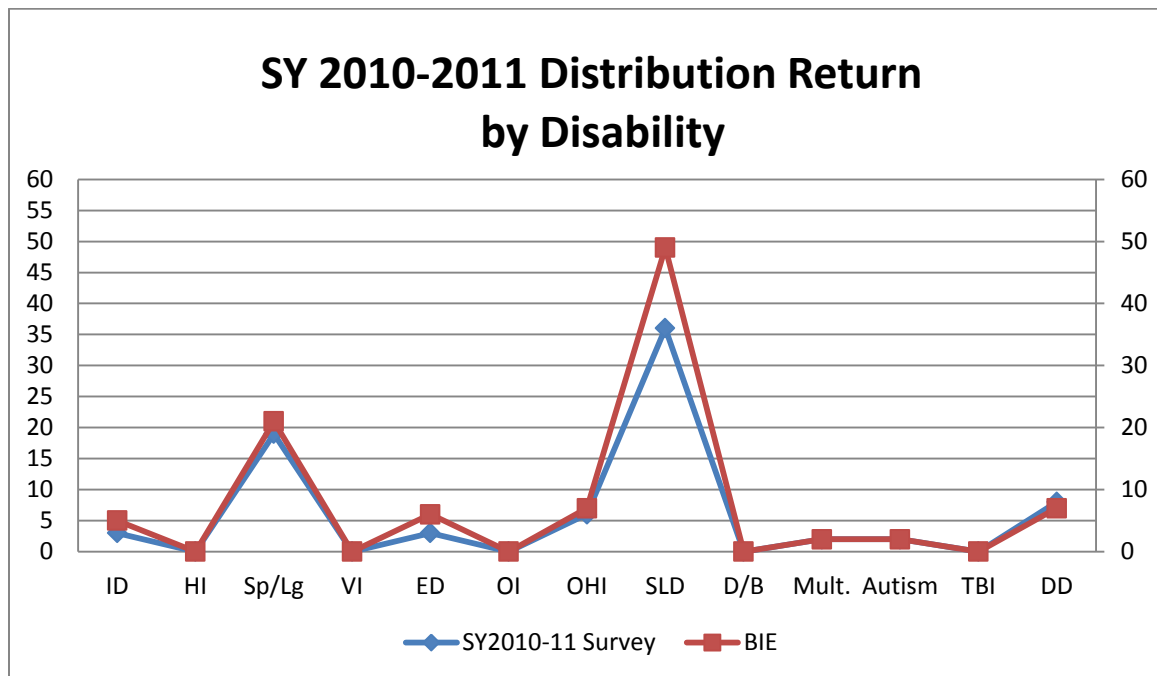
(\* Parent Respondents provided sufficient data to estimate a measure)

**Display 8-3: Parents Who Report the School Facilitated Their Involvement- 5 Year Trend** ("Strongly Agree" or "Very Strongly Agree" Categories) **(Percentage)**

Display 8-4: SY 2010-2011 Distribution Return by Disability

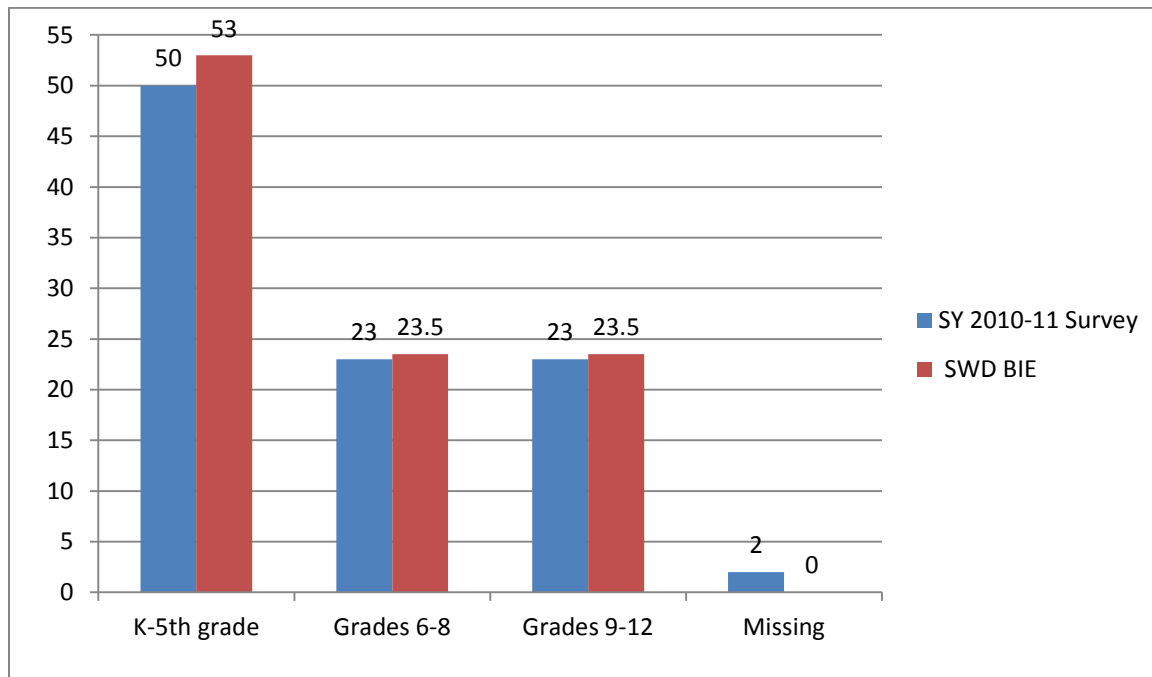
Disability Category	Disability Code	Survey	BIE	Disability Category	Disability Code	Survey	BIE
Intellectual Disability	40	130 (3%)	366 (5%)	Deaf-Blindness	48	5 (<1%)	0 0%
Hearing Impairment	41	28 (<1%)	41 (<1%)	Multiple Disabilities	49	78 (2%)	154 (2%)
Speech/ Language	42	769 (19%)	1412 (21%)	Autism	50	64 (2%)	112 (2%)
Visual Impairment	43	10 (<1%)	15 (<1%)	Traumatic Brain Injury	51	14 (<1%)	31 (<1%)
Emotional Disturbance	44	129 (3%)	417 (6%)	Developmental Delay	52	312 (8%)	444 (7%)
Orthopedic Impairment	45	7 (<1%)	17 (<1%)	Missing		454 (11%)	
Other Health Impairment	46	219 (6%)	454 (7%)	More Than One		344 (9%)	
Specific Learning Disability	47	1,451 (36%)	3,318 (49%)				

Display 8-5: Distribution Return by Disability (percentage)



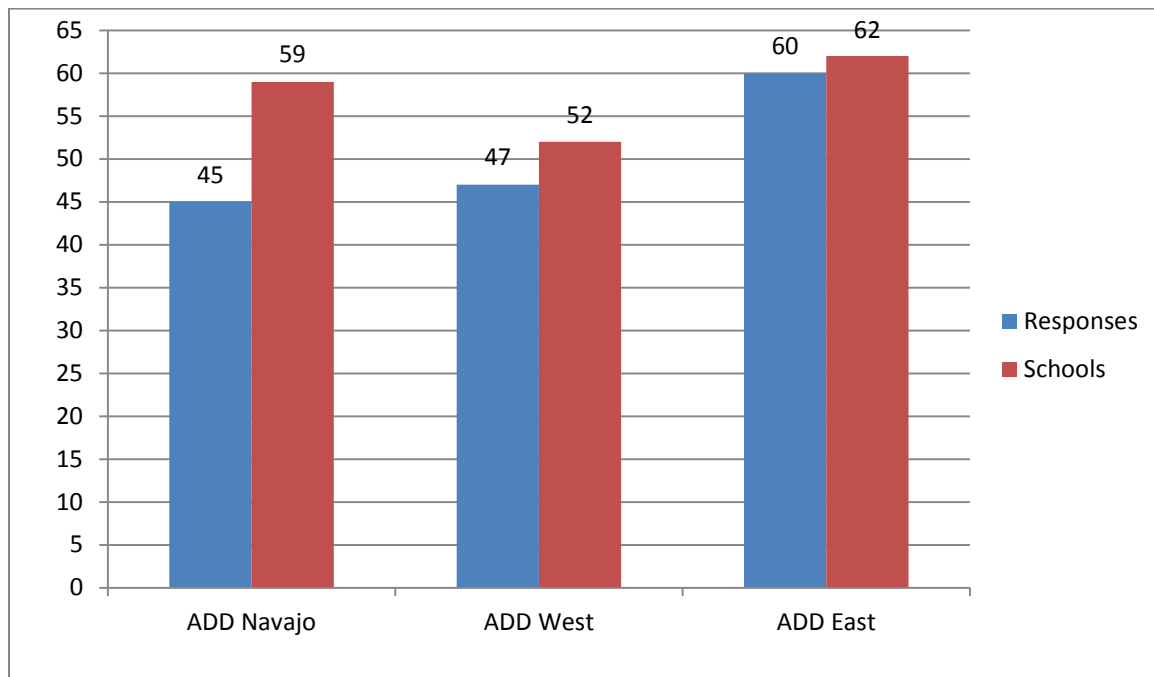
**Display 8-6: Distribution Return by Grade (percentage)**

	% of Parent Responses	BIE % of Students with Disabilities
<b>K-5th</b>	<b>50%</b>	<b>53%</b>
<b>6<sup>th</sup>-8<sup>th</sup></b>	<b>23%</b>	<b>23.5%</b>
<b>9<sup>th</sup>-12th</b>	<b>23%</b>	<b>23.5%</b>
<b>missing</b>	<b>3%</b>	

**Display 8-7: Distribution Return by Grade (percentage)**

The BIE schools fall under 22 Education Line Offices that are administered by 3 Associate Deputy Directors (ADD), Navajo, East, and West. The table and graph below indicates the number of schools that responded to the survey in each ADD.

<b>ADD</b>	<b>Schools (number)</b>	<b>Distribution Return (number)</b>	<b>Distribution Return (percentage)</b>
<b>Navajo</b>	<b>59</b>	<b>45</b>	<b>76.3%</b>
<b>West</b>	<b>52</b>	<b>47</b>	<b>90.4%</b>
<b>East</b>	<b>62</b>	<b>60</b>	<b>96.8%</b>

**Display 8-8: Distribution Return by Associate Deputy Director Regions****Improvement Activities Completed/Continued that occurred for FFY 2010:**

ACTIVITIES	STATUS	IMPACT STATEMENT
BIE-DPA conducted systemic data analysis of Local School Performance Plans and provided feedback to the schools about their improvement activities as they related to Indicator 8.	This activity will continue during the SY 2011-2012.	<p>Schools have implemented improvement strategies to:</p> <ul style="list-style-type: none"> <li>• Increase the percent of parents with a child receiving special education services who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities</li> <li>• Increase the response percentage of surveys returned by parents</li> </ul> <p>90% of the schools wrote improvement activities for implementation and BIE-DPA observation/analysis.</p>

ACTIVITIES	STATUS	IMPACT STATEMENT
BIE provided training to schools on the impact of parent participation in their child's IEP decision making process.	This activity will continue during the SY 2011-2012.	<p>In review of student IEPs and the SY 2010-2011 Parent Survey, IEP decisions are being made with parent as part of the IEP Team. Schools have taken great effort in accommodating for the attendance of parents.</p> <p>Parents reported in the Special Education Parent Survey a 1.51% increase (strongly agree, very strongly agree) that schools facilitated parent involvement as a means of improving services and results for SWD.</p>

**Measurable and Rigorous Targets for FFY2011, FFY 2012:**

FFY	Measurable and Rigorous Target
<b>2011</b>	Maintain current percent of parents indicating satisfaction at or above the standard of the 2010 level. (38.34%).
<b>2012</b>	Maintain current percent of parents indicating satisfaction at or above the standard of the 2010 level. (38.34%).

**Improvement Activities/Timelines/Resources for SY 2011-2012:**

Activity	Timeline	Resources
Utilizing systemic data analysis of Local School Performance Plans, provide feedback to the schools about their improvement activities as they related to Indicator 8.	SY 2011-2012	<p>BIE-Funded Schools</p> <p>DPA Special Education Unit</p>
Provide training to schools on the impact of parent participation in their child's IEP decision making process.	SY 2011-2012	<p>BIE-Funded Schools</p> <p>DPA Special Education Unit</p> <p>WebEx trainings</p> <p>BIE Summer Institute</p> <p>Special Education Academy</p>

**Part B State Annual Performance Report (APR) for FFY 2010****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.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<i>FFY 2010</i>	<i>100%</i>

**Actual Target Data for FFY 2010:**

<i>95%</i>
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Prior to FFY 2010, the BIE/DPA collected Indicator 11 data during the on-site monitoring conducted at all of the schools with academic programs. Data was collected over a six to eight month period depending on the time the on-site monitoring was conducted. For FFY 2010, the BIE/DPA started to collect the Indicator 11 data for the 12 month period (July 1, 2010 to June 30, 2011) by a desk audit utilizing the NASIS. This first year utilizing the desk audit, two sessions were required to collect data for the 12 month period as follows:

- On April 15, 2011, data was collected for the period of July 1, 2010 to March 31, 2011.
- On November 15, 2011, data was collected for the period of April 1, 2011 to June 30, 2011.

However, for FFY 2011 and subsequent years, the BIE/DPA will collect Indicator 11 data over a 12 month period on November 15 by a desk audit utilizing the NASIS.

Prior to conducting the Indicator 11 Desk Audit, the BIE/DPA conducted training on the Desk Audit process utilizing various venues to ensure the data collected is accurate and reliable. Training focused on the following topics: Indicator 11 and compliance, definition of initial evaluations, allowable exceptions, and Indicator 11 NASIS documents.

All schools with academic programs were required to submit information on each student referred for an initial evaluation for the April 15, 2011 Desk Audit and for the November 15, 2011 Desk Audit as follows: NASIS student number, grade, date of parental consent to evaluate, eligibility determination date, and number of days past 60 days and a reason for the delay. To conduct the Indicator 11 Desk Audit, the schools had to scan and upload the parent signature page (Assessment Plan) and the BIE Determination Form to NASIS. The BIE/DPA then compared the information submitted by the schools with documents in NASIS. The school was contacted to clarify data found to be discrepant.

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

a. Number of children for whom parental consent to evaluate was received	<b>724</b>
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	<b>689</b>
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)	<b>95%</b>

*BIE did not meet target.*

In FFY 2010, 95% of initial evaluations (689 of 724) were completed within 60 days. This includes initial evaluations that were not completed within the timelines due to allowable exceptions (34 CFR §300.301(d)), 92 students whose parents repeatedly failed or refused to produce the child for the evaluation and 23 students who transferred during the 60 day period.

The number of initial evaluations increased from 382 (FFY 2009) to 724 (FFY 2010) and the percentage for compliance decreased from 98% to 95% respectively. The increase in the number of initial evaluations is attributed to the two time periods of data collections, (FFY 2009) six to eight month period and (FFY 2010) 12 month timeline.

There were 35 children with initial evaluations that were conducted beyond the 60 day timeline and the reasons provided were not allowable exceptions. The range was from one (1) day to 188 days. The reasons for the delay were as follows:

- 15 of the students, the evaluator was not available and/or inclement weather;
- 15 of the students, had medical, scheduling conflicts or were on school breaks, and/or counting 60 school days versus 60 calendar days;
- 1 of the students has no stated reason;
- 1 of the students is pending; and
- 3 of the students, the data was not available for verification.

There were 35 findings of noncompliance identified at 17 schools.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2010:**

ACTIVITY	STATUS
Disseminate information to Education Line Offices and Schools on implementing a backup plan if a lapse for contract services for an evaluator/school psychologist should occur.	In progress and ongoing, guidance was provided to individual schools about the services provided by the Indian Children's Program (ICP) based at the University of New Mexico and Northern Arizona University to assist early childhood programs, medical clinics, and schools with evaluations, services, etc.
Provide training to schools and ELO on Indicator 11 through: <ul style="list-style-type: none"> <li>• Special Education Webinar Training</li> <li>• Special Education Academy</li> <li>• Summer institute</li> </ul>	Completed, training was provided on 01/18/11 via Webinar; 9/12/11 at the Administrator's Meeting (pre- Special Education Academy); 9/13-15/11 at the Special Education Academy; and 6/21-24/11 at the BIE Summer Institute.
Conduct desk audit activities on schools that were found to be out of compliance the previous year.	Completed, a review of the school's updated data via the NASIS was completed by 04/15/11.

Slippage occurred for FFY 2010 and is attributed to the following:

1. The data collection process was changed from collecting the data on-site to collecting it from the NASIS. Three of the schools did not make the data available by scanning and uploading it to NASIS and may have been available if data collection was conducted on-site.
2. If queries for the reasons for delay were made on-site for the remaining students perhaps some of reasons could have been determined to be allowable exceptions. Queries were not possible when data was collected by the desk audit, the form used listed the reasons and the school chose from the reasons listed.

The BIE/DPA made significant progress in the number of initial referrals completed within the 60 day timeline from FFY 2008 to FFY 2010, 63% to 95% compliance respectively.

	FFY2008	FFY2009	FFY2010
a. Number of children for whom parental consent to evaluate was received	482	382	724
b. Number of children whose evaluations were completed within 60 days	302	373	689
c. Percent of children with parental consent to evaluate, who were evaluated within 60 days	63%	98%	95%



**Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 98%

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	4
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	4
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

**Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):**

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2009 findings <u>not</u> verified as corrected [(4) minus (5)]	0

**Actions Taken if Noncompliance Not Corrected: N/A****Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):**

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:**

The verification of correction is a BIE/DPA special education staff responsibility. Before the BIE/DPA concludes and reports that noncompliance has been corrected, it is verified consistent with the OSEP Memo 09-02 that the school:

1. Has corrected each individual student case of noncompliance; and
2. Is correctly implementing the specific regulatory requirements of IDEA (e.g., achieved 100% compliance) based on the review of updated data in NASIS.

The review of updated data through the NASIS provides the BIE/DPA a high degree of confidence and flexibility that a school has corrected previously identified noncompliance and is correctly implementing the specific regulatory requirements of IDEA. The BIE/DPA reviews updated data as follows:

1. The school is requested to send to BIE/DPA information of each child that has been referred for an evaluation as follows:
  - a. NASIS student number
  - b. Grade
  - c. Date of parental consent to evaluate
  - d. Eligibility determination date
  - e. The number of days past the 60 day timeline and the reason for the delay

2. The school scans and uploads to NASIS the following documents: the parent signature page (Assessment Plan) and the BIE Determination Form.
3. BIE/DPA reviews the information to verify the information provided by the school is accurate.
4. BIE/DPA determines if the school has corrected the finding of noncompliance or not.
5. BIE/DPA 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 sanctions are applied.

**Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):**

1. Number of remaining FFY 2008 findings noted in OSEP's June 2011 FFY 2009 APR response table for this indicator	0
2. Number of remaining FFY 2008 findings the State has verified as corrected	0
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	0

**Verification of Correction of Remaining FFY 2008 findings: N/A**

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008: N/A**

**Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier (if applicable): NA**  
**Additional Information required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
The BIE must report on the status of correction of noncompliance for FFY 2009 reflected in the data the BIE reported for this indicator.	The 180 student findings of noncompliance reported for FFY 2009 has been corrected and verified consistent with the OSEP Memo 09-02.
The BIE must report that it has verified that each school with noncompliance reflected in the FFY2009 data the BIE reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02. The BIE must describe the specific actions that were taken to verify the	<p>The BIE/DPA has verified each school with noncompliance reflected in the FFY 2009 data is correctly implementing 34 CFR §300.301(c)(1) and has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memorandum 09-02.</p> <p>The following process was used to verify correction at schools with findings of noncompliance:</p> <p>(1) The school corrected all of the 180 individual student cases and BIE/DPA verified each correction as follows:</p> <ul style="list-style-type: none"> <li>• Individual student cases were reviewed on-</li> </ul>

correction.	<p>site during the Compliance Monitoring and corrections were verified.</p> <ul style="list-style-type: none"> <li>If corrections could not be verified on-site, NASIS was used to review the parent signature page (Assessment Plan) and the BIE Determination Form and the remaining individual student cases were verified.</li> </ul> <p>(2) The following was conducted to verify that all of the 67 schools are correctly implementing 34 CFR §300.301 (c)(1):</p> <ul style="list-style-type: none"> <li>The FFY 2009 Compliance Monitoring results, specifically the Referral and Evaluation Category were reviewed. If the school was in compliance, it was verified that the school is correctly implementing the regulatory requirement.</li> <li>If verification could not be made, a three-month review beginning September 1, 2010 to December 1, 2010 was conducted. Based on this review, all schools were verified as corrected.</li> </ul>
<p>The BIE must include an explanation, in its FFY2010 APR of the discrepancy in FFY2009 APR regarding the number of schools that were issued findings of noncompliance in FFY2008 based on the 146 children that did not receive timely initial evaluations.</p>	<p>The tool used to collect data was formatted based on nine Categories. The Category, Referral and Evaluation, was used to collect the Indicator 11 data. Five of the 20 items in Referral and Evaluation were used to determine compliance of 34 CFR §300.301(c)(1). A finding was identified if the student was not evaluated within the 60 day timeline, thus one student out of compliance is one finding. FFY 2008, there were 482 parental consents received and 302 were evaluated within the 60 day timeline. There were 180 findings of noncompliance (2009 APR, page 50, B-11) and these findings were at 67 schools (2009 APR, B-15 worksheet). An error was made reporting 67 findings of noncompliance, the correct number is 180 under the (a) column of the B-15 worksheet (2009 APR); and reporting 61 findings of noncompliance corrected, the correct number is 146 under (b) column of the B-15 worksheet). The remaining 34 findings of noncompliance at six schools were corrected past the 60 day timeline.</p>
<p>The BIE does not report 100% compliance in the FFY 2010 APR, the BIE must review its improvement activities and revise them if necessary.</p>	<p>On 01/12/12, the BIE and stakeholders reviewed the current activities and determined they are appropriate and are not making any revisions.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for  
FFY 2011 (if applicable):**

N/A

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:****Monitoring Priority: Effective General Supervision Part B / 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 service 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 service 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.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>FFY 2010</b>	<b>100%</b>

**Actual Target Data for FFY 2010:**

<b>29.25%</b>
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The BIE did not meet the target. During the spring of 2011, the BIE conducted desk audits for Indicator 13 on the 57 schools with a high school program and who are also using the NASIS special education module. Also, the audit was conducted on-site at To'Hajiilee Community School, a school that does not utilize the NASIS special education module. 441 files were reviewed using the 8 item NSTTAC checklist, 129 of those files were at 100% compliance resulting in a 29.25% compliance rate. 312 files had at least one item out of compliance.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

This was the first time desk audits were conducted using the NASIS. 32 schools did not have the required signature pages uploaded into the system in spite of the WebEx training and resources provided to the schools prior to the audit process. Items 6 on the checklist required scanned signature documents for verification of compliance. 46 schools had at least one file out of compliance for item #1, the postsecondary goals. The BIE/DPA has provided one regular webinar a year and two transition planning sessions at the annual Special Education Academy that provided resources on secondary transition requirements to the schools. All materials from the webinars and the academy are posted and available for schools to access. At this time, many schools have since corrected their issues and these numbers will be reported in the 2013 APR.

For FFY 2009, the BIE was at a 59.14% compliance rate. This higher rate of compliance could be attributed to the onsite file reviews that took place where signature documents were accessible to the reviewer compared to the electronic file where they were not included.

As stated in the SPP submitted April 18, 2011, "the BIE is not a school system organized into districts as are the majority of the states." The organizational structure of the BIE clearly affects the ability to provide the technical assistance on a consistent basis that is critical for schools to produce the results required by the IDEA 2004. The Division of Performance and Accountability does not have a direct line of authority over the schools (LEAs) as do states over their district level administrative components. The Education Line Offices are in the authoritative position to work with the schools on a consistent basis; however, not all of the line offices have the special education personnel and expertise that is required at the public school district level offices within a state education system.

ACTIVITY	STATUS
1. WebEx training to all the schools is offered throughout the school year on special education topics including secondary transition services.	Scheduled Web ex trainings occurred throughout SY 2010-2011 and will continue through SY 2011-2012 with a session on Secondary Transition requirements and issues.
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	Distributed fall 2010 and will distribute for SY 2011-2012; will highlight areas of specific transition requirements for which schools have been cited for non-compliance.
3. Desk audit file reviews of IEPs for those students 16 years old and older will be conducted using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Completed Spring 2011 and fall of 2011  Began annual cycle in the fall of each year beginning SY 2011-2012.

ACTIVITY	STATUS
<p>4. On-going technical assistance in transition requirements provided to schools in the use of the special education module in NASIS.</p> <p>Regularly scheduled trainings on updates and the use of the special education module in NASIS.</p>	<p>Continuing - Ongoing as the need arises</p> <p>Annually</p> <p>Training includes secondary transition and what is required for the desk audit process.</p> <p>Further training and technical assistance will be provided in areas of transition that represent the greatest challenges. Training will be delivered at regional locations.</p>
<p>5. National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.</p>	<p>Breakout sessions on Secondary Transition were presented at the September 2011 academy attended by the schools and line offices; and will also be included at the September 2012 event.</p>
<p>6. Regional work sessions with schools on AYP calculation and data analysis.</p>	<p>Completed July – September of 2011 and will continue each year. Members of the DPA special education unit attended these sessions and provided technical assistance as needed in the area of secondary transition requirements.</p>
<p>7. Design and implement effective dropout prevention and graduation models and practices.</p>	<p>January 2011 through December 2013</p> <p>Training will be conducted by National Dropout Prevention Center for Students with Disabilities (NDPC-SD). Of 41 schools invited to participate, 19 schools have responded. Thirteen (13) schools will comprise Cohort I and 4 schools will comprise the Control Group. Training will be conducted by NDPC-SD for Cohort I will begin in late March. Training for Cohort II will begin in Fall 2012.</p>

**Note:** For this indicator, report data on the correction of findings of noncompliance the State identified in FFY 2009 (July 1, 2009 through June 30, 2010) and verified as corrected as soon as possible and in no case later than one year from identification.

**Timely Correction of FFY 2009 Findings of Noncompliance (corrected within one year from identification of the noncompliance):**

<p>1. Number of findings of noncompliance the State identified in FFY 2009 (the period from July 1, 2009 through June 30, 2010)(Sum of Column a on the Indicator B15 Worksheet)</p>	<p>24</p>
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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)	21
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>3</b>
4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	3
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	1
6. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	<b>2</b>

**The verification of correction (how)****Additional Information Required by the OSEP APR Response Table for this Indicator:**

Statement from the Response Table	State's Response
<p>The BIE must report, in its FFY 2010 APR, that it has verified that each school with noncompliance reflected in the FFY 2009 data the BIE reported for this indicator:</p> <p>(1) Is correctly implementing 34 CFR §300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a BIE data system; and</p> <p>(2) Has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memo 09-02.</p> <p>In the FFY 2010 APR, the BIE must describe the specific actions that were taken to verify the correction.</p>	<p>The BIE reviews updated secondary transition data in NASIS special education module to ensure that each school corrected student specific findings and that they were correctly implementing the specific regulatory requirements of IDEA based on the BIE's review of updated data in NASIS special education module for each student over 16 years old. The BIE continues to monitor the progress of each school.</p> <p><b><i>Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):</i></b></p> <p>The verification of correction is a BIE/DPA special education staff responsibility. Before the BIE/DPA concludes and reports that noncompliance has been corrected, it is verified consistent with the OSEP Memo 09-02 that the school:</p> <p>(1) Has corrected each individual student case of noncompliance, and</p> <p>(2) Is correctly implementing the specific regulatory requirements of IDEA (e.g., achieved 100% compliance) based on the review of updated data in NASIS.</p> <p>The review of updated data through the NASIS provides the BIE/DPA a high degree of confidence and flexibility that a school has corrected previously identified noncompliance and is correctly implementing the specific regulatory requirements of IDEA.</p>



	<p>The BIE/DPA reviewed updated data as follows:</p> <ol style="list-style-type: none"> <li>1. BIE/DPA conducted correction verification desk audits, using the NASIS special education module, of 210 IEP student files with specific items of noncompliance from the 23 schools identified with findings of noncompliance. At To'Hajiilee Community School the correction verification audit was conducted on-site of the 5 IEP student files with specific items of noncompliance.</li> <li>2. BIE/DPA determines if the school has corrected the finding of noncompliance or not.</li> <li>3. BIE/DPA reviews a sampling of updated NASIS student IEP files, using the NASIS special education IEP module to determine if the school is correctly implementing the specific regulatory requirements of IDEA. (School sampling size: 3 student IEP files &lt; 50 SWD; 5 student files &gt;50 SWD) At To'Hajiilee Community School the sampling of updated data was conducted on-site.</li> <li>4. BIE/DPA 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 sanctions are applied.</li> <li>5. As of September 28, 2011, 21 schools made timely correction of noncompliance findings: <ul style="list-style-type: none"> <li>• On May 9,2011 verified correction at 2 schools;</li> <li>• May 16,2011 verified correction at 2 schools;</li> <li>• May 17,2011 verified correction at 4 schools;</li> <li>• May 18, 2011 verified correction at 1 school;</li> <li>• May25,2011 verified correction at 2 schools;</li> <li>• May 26, 2011 verified correction at 1 school;</li> <li>• August 30, 2011 verified correction at 1 school;</li> <li>• September 8, 2011 verified correction at 1 school;</li> <li>• September 23, 2011 verified correction at 3 schools;</li> <li>• September 24, 2011 verified correction at 1 school;</li> <li>• September 28, 2011 verified correction at 3 schools.</li> </ul> </li> <li>6. BIE/DPA notified 3 schools in writing on October 20, 2011 of their continuing noncompliance and the notification addressed the following enforcement action(s) to be applied, consistent with the OSEP 09-01 memo: <ol style="list-style-type: none"> <li>1. Intensive targeted technical assistance and Special Conditions <ol style="list-style-type: none"> <li>a. November 15, 2011-required webinar on <i>Identification/Correction of findings of noncompliance and enforcement actions for continued noncompliance.</i></li> <li>b. November 29, 2011-required webinar on <i>Root Cause Analysis</i>, and</li> <li>c. December 15, 2011-required webinar on <i>Specific</i></li> </ol> </li> </ol> </li> </ol>
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	<p><i>technical assistance on the categorical findings of noncompliance</i></p> <p>d. Special Conditions--required action and timelines for the subsequent correction of noncompliance.</p> <p>The BIE conducted additional reviews of each schools updated data through a NASIS desk audit (IEPs, supporting signature/date documents and forms) and monitored the progress of each school during January 9-13, 2012 to verify correction of noncompliance.</p> <ul style="list-style-type: none"> <li>On January 9, 2012 verified subsequent correction at 1 school</li> </ul> <p>However, the BIE could not verify the subsequent correction of noncompliance at 2 schools and that each school was correctly implementing the specific regulatory requirements of IDEA. Therefore, the second enforcement action was taken as presented in #2 below.</p> <p>2. Enforcement Action:</p> <ol style="list-style-type: none"> <li>Written notification was provided to each school informing them of continuing noncompliance although previous notice (October 20, 2011) and intensive targeted technical assistance provided by the BIE. The notification includes the following enforcement actions being applied:             <ol style="list-style-type: none"> <li>Incremental distribution of special education Part B funding</li> <li>Fiscal Accountability review of the school's special education program</li> <li>Individual school status is reported in the APR and quarterly PIAP that impacts the BIEs level of determination made by the OSEP.</li> <li>A BIE/DPA staff member is assigned to provide technical assistance to the school in the correction/correct implementation of the specific regulatory requirements.</li> </ol> </li> <li>The written notification to each BIE-funded school administrator included courtesy copies to the Associate Deputy Directors (East, Navajo, West), Education Line Officers, and the BIE Director. An courtesy copy was also provided to the Grantee for Tribally Controlled Schools. written notification:</li> <li>On January 30, 2012 notification of enforcement actions sent to schools.</li> </ol>
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**Part B State Annual Performance Report (APR) for FFY 2010****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:** 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
2010 (2010-2011)	14A: By 2011, 25.2% of youth with IEPs and are no longer in secondary school will be enrolled in higher education within one year of leaving high school. 14B: By 2011, 46.8% 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. 14C: By 2011, 72.6% 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.

FFY	Measurable and Rigorous Target
<b>2011 (2011-2012)</b>	<p>14A: By 2012, 25.5% 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 2012, 47.1% 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 2012, 72.9% 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>
<b>2012 (2012-2013)</b>	<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 2010:**

The target was met for Measurement A, 27.4%, and B, 59.0% but not for C, 68.2%.

**Display 14-1: Number and Percent of Exiters Engaged in Employment and/or Education**

Category	Number	Percent
Interviewed Exiters	164	100.0%
<b>Measurement A:</b> Percent of youth enrolled in higher education within one year of leaving high school;	45	27.4%
<b>Measurement B:</b> Measurement A plus percent of youth competitively employed within one year of leaving high school	96	59.0%
<b>Measurement C:</b> Measurement B plus percent of youth enrolled in any other type of post-secondary education/training or employed in any other type of employment	112	68.2%

**Display 14-2: Number and Percent of Exiters in each of Three Categories**

Category	Number	Percent
1. Enrolled in higher education as defined in measure A	45	27.4%
2. Engaged in Competitive employment as defined in measure B (but not in 1.)	51	31.1%
3. a. Enrolled in other postsecondary education or training as defined in measure C (but not in 1. or 2.) or; b. Engaged in some other employment as defined in measure C (but not in 1. or 2.)	a. 6 b. 10	9.8%
Not in any of the above three categories	52	31.7%
Total	164	100.0%

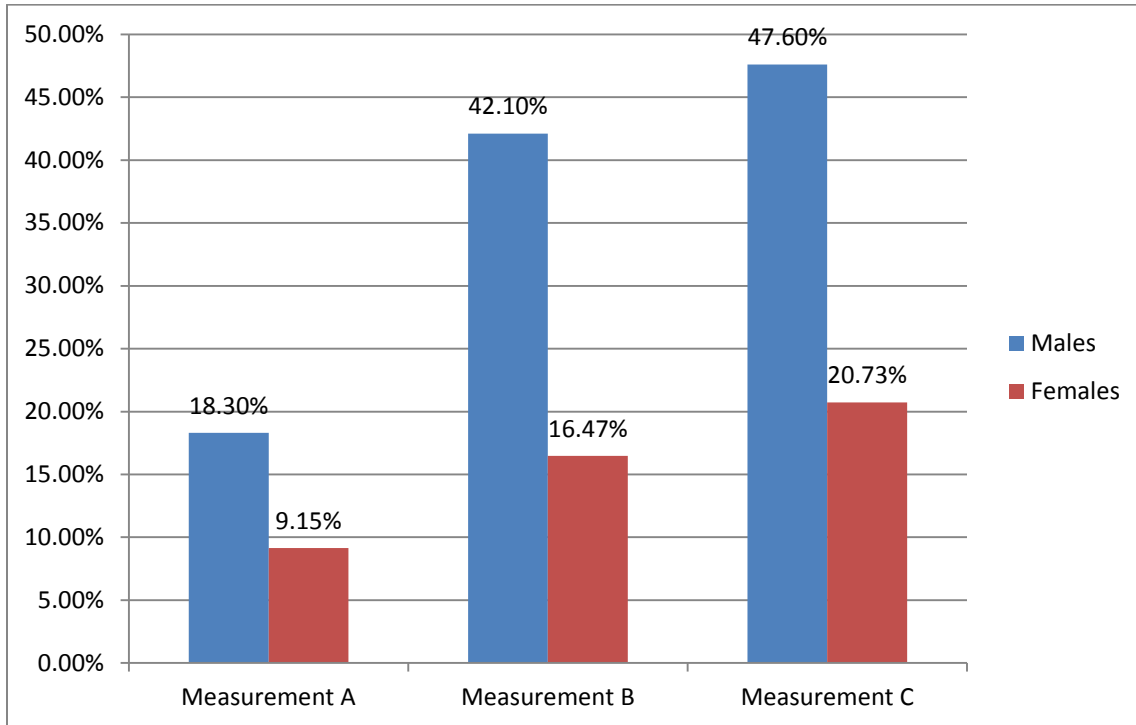
**Overview of Issue/Description of System or Process:**

In July 2011, the 60 high schools in the BIE were instructed to begin data collection on the 2009-2010 leavers using a survey monkey tool. The schools were informed of how to access additional guidance from the National Post School Outcomes Center, the *Frequently Asked Questions* document. The deadline to submit the data was October 16, 2011. 36 high schools submitted complete data and 24 schools submitted incomplete data or none at all. The 36 schools reported a total of 164 respondents, consisting of 111 males and 53 females. As noted above in Display 14-2, 112 responses were counted in Measurement A, B, or C. 52 responses fell in one of two categories: No Activity and Caretaker for Family Member.

Results were analyzed by gender to determine if any systematic differences existed between males and females. As Displays 14-3 and 14-4 show, males were more likely than females to be enrolled in higher education, enrolled in some "other" type of post-secondary education and some "other" type employment. However, given the numbers reported in Table 4 for 2010, this data closely reflects the percent of males and females applicable to the survey pool for this indicator; 293 males and 163 females were reported either as graduated, aged out, received a certificate and dropped out. For the males, that is 64% and females 36%. The response group was representative of the population based on gender.

**Display 14-3: Percent of Exiters in each of Three Categories, By Gender**

Category	Males	Females	Total
1. Enrolled in higher education as defined in measure A	18.3%	9.15%	27.4%
2. Engaged in Competitive employment as defined in measure B (but not in 1.)	23.8%	7.32%	31.1%
3. Enrolled in other postsecondary education or training as defined in measure C (but not in 1. or 2.) or engaged in some other employment as defined in measure C (but not in 1. or 2.)	5.5%	4.26%	9.8%
Not in any of the above three categories	20.1%	11.6%	31.7%
Total	67.7%	32.3%	100%

**Display 14-4: Percent of Exiters Engaged in Employment and/or Education, By Gender**

From the response table June 2011, page 10, the BIE was asked to provide separate numbers for Category 3 for FFY 2009. Below is the corrected table from page 56 of the SPP submitted April 18, 2011.

**Number and Percent of Exiters in each of Three Categories**

Category	Number	Percent
1. Enrolled in higher education as defined in measure A	79	25.2%
2. Engaged in Competitive employment as defined in measure B (but not in 1.)	68	21.7%
3. a. Enrolled in other postsecondary education or training as defined in measure C (but not in 1. or 2.); or b. Engaged in some other employment as defined in measure C (but not in 1. or 2.)	a. 29 b. 52	25.8%
Not in any of the above three categories	86	27.4%
Total	314	100.0%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

ACTIVITY	STATUS
1. WebEx training to all the schools is offered throughout the school year on special education topics including secondary transition services	Scheduled Web ex trainings occurred throughout SY 2010-2011 and will continue through SY 2011-2012 with a session on Secondary Transition requirements and issues
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	Distributed fall 2010 and will distribute for SY 2011-2012 with information specific to post-secondary planning.
3. Desk audit file reviews of IEPs for those students 16 years old and older will be conducted using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Completed Spring 2011 and fall of 2011  Began annual cycle in the fall of each year beginning SY 2011-2012
4. On-going technical assistance in transition requirements provided to schools in the use of the special education module in NASIS.  Regularly scheduled trainings on updates and the use of the special education module in NASIS.	Continuing - Ongoing as the need arises  Annually  Training includes secondary transition and what is required for the desk audit process.  Further training and technical assistance will be provided in areas of transition that represent the greatest challenges. Training will be delivered at regional locations.
5. National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	Breakout sessions on Secondary Transition were presented at the September 2011 academy attended by the schools and line offices; and will also be included at the September 2012 event.
6. Regional work sessions with schools on AYP calculation and data analysis.	Completed during July – September of 2011 and will continue each year  Members of the DPA special education unit

ACTIVITY	STATUS
	attended these sessions, along with the Data unit and provided technical assistance to the schools as needed in the area of post-secondary planning and data reporting requirements specific to post school outcomes.
7. Design and implement effective dropout prevention and graduation models and practices.	January 2011 through December 2013  Training will be conducted by National Dropout Prevention Center for Students with Disabilities (NDPC-SD). Of 41 schools invited to participate, 19 schools have responded. Thirteen (13) schools will comprise Cohort I and 4 schools will comprise the Control Group. Training will be conducted by NDPC-SD for Cohort I will begin in late March. Training for Cohort II will begin in Fall 2012.



**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:****Monitoring Priority: Effective General Supervision Part B / General Supervision****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).**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<i>FFY 2010</i>	<i>100%</i>

**Actual Target Data for FFY 2010:**

76.00%
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The BIE **did not** meet the target.

**Describe the process for selecting LEAs for Monitoring:**

The BIE selected all 173 BIE-funded schools with academic programs during SY 2009-2010 in 23 states to receive an on-site compliance monitoring visit of their special education program. The on-site activities collected monitoring data and determined school performance that included:

1. Student IEP file reviews;
2. Identification of any noncompliance;

3. Guidance to each school in correcting any noncompliance; and
4. Verify correction of noncompliance identified during the previous school year.

An entrance/exit form and student review sheets were provided to the school to assist them in developing a corrective action plan that would demonstrate how each student-specific noncompliance would be corrected as soon as possible and no later than one-year of identification. Even though a finding was defined as a systemic pattern at a school, each individual student-specific item had to be corrected at 100% compliance based on the review of updated data before that non-compliance finding could be verified as corrected consistent with the OSEP 09-02 memo.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2010:**

ACTIVITY	STATUS
<p>Implement sanction/enforcement actions for schools that continue to show noncompliance to correct:</p> <ol style="list-style-type: none"> <li>a. BIE-Operated Schools--Education Line Officers, Associate Deputy Directors, BIE Director; and</li> <li>b. Tribally Controlled Schools-Tribal Education Departments, Education Line Officers, Associate Deputy Directors, and BIE Director.</li> </ol>	<p>In progress. School staff has increased their knowledge of enforcement actions through national and regional presentations and webinars. Enforcement actions have been implemented for each school that has not corrected for findings identified during SY 2008-2009 and 2009-2010.</p>
<p>Training for schools and education line offices on sustaining correct practices of specific regulatory requirements.</p>	<p>Ongoing. School staff has increased their knowledge of specific regulatory requirements of IDEA through national and regional presentations conducted at the BIE Special Education Data Summit, BIE Summer Institute, BIE Special Education Academy, and AYP tour meetings.</p>
<p>Refine data base program to track noncompliance findings.</p>	<p>Ongoing. Noncompliance identified and tracked for on-site monitoring visits, desk audits, ISEP, dispute resolution, and parent concerns. One written notification of finding(s) is issued.</p>
<p>Desk audit file reviews of IEPs will be conducted using the NASIS special education module to ensure schools are correctly implementing the specific regulatory requirements based on updated data.</p>	<p>Ongoing. The monitoring process has been redefined. School staff has increased their knowledge of desk audits for the review of updated data for I-11, I-13, and verification of correction to ensure each school is correctly implementing the specific regulatory requirements of IDEA.</p>

In SY 2009-2010, the BIE reported data for this indicator was 58.01% (from the OSEP FFY 2009 SPP/APR Response Table). The noncompliance data being reported for SY 2010-2011 is 76.00%. This shows progress as presented in the table below.

	<b>FFY 2009</b> <b>Identified 2008-2009 corrected</b> <b>within one-year</b>	<b>FFY 2010</b> <b>Identified 2009-2010 corrected</b> <b>within one-year</b>
# of total findings	231	375
# corrected within one-year	134	285
% correction of noncompliance	58.01%	76.00%

The findings identified during SY 2009-2010 were defined in a systemic manner. The progress can be attributed to the following:

1. The BIE has redefined and made changes to its monitoring system to make it more effective in working with schools to address identification, correction of noncompliance, and verification of correction in a timely manner and therefore provide improved services to students with disabilities;
2. The BIE is continuing to make significant gains in providing valid, accurate, and reliable data for this indicator;
3. Further guidance and clarification has been provided in the OSEP 09-02 memo;
4. The BIE has provided further training and guidance to BIE-funded schools with academic programs to ensure the correction of noncompliance and correct implementation of the specific regulatory requirements of IDEA. The schools have made significant progress in both areas as a result of training, guidance, and technical assistance provided;
5. The BIE is issuing the written notification to schools on one date which has resulted in improved tracking of correction of noncompliance and adherence to the required timelines;
6. The BIE conducts the verification of correction based on updated data (IEPs, supporting signature/date documents and forms) in the NASIS 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 in BIE-funded schools;
7. The BIE has and is continuing to provide guidance and expectations to schools, education line offices, and Associate Deputy Directors regarding identification, correction, verification, and enforcement through local, regional and national presentations (e.g., Data Summit, Summer Institute, Special Education Academy, webinars, guidance documents, etc.);
8. The BIE conducts regular review of updated data in NASIS with schools to ensure progress is being made in correcting noncompliance;
9. OSEP, MPRRC, and the DAC are continuing to provide guidance to the BIE on the verification of correction process; and
10. The BIE has developed and implemented enforcement actions against schools for not correctly implementing the specific regulatory requirements. Courtesy copies of written notification are being provided to the school administrator, education line officer, Associate Deputy Directors, and the BIE Director. Grantees are also being notified for tribally-controlled schools.

The BIE continues to make progress and ultimately will achieve the B15 100% target. Continued guidance, technical assistance, and clarification provided by OSEP, MPRRC, and DAC will help the BIE strengthen the identification, correction, verification, and improvement activities process now and in the future.

**Note: For this indicator, report data on the correction of findings of noncompliance the State identified in FFY 2009 (July 1, 2009 through June 30, 2010) and verified as corrected as soon as possible and in no case later than one year from identification.**

**Timely Correction of FFY 2009 Findings of Noncompliance (corrected within one year from identification of the noncompliance):**

1. Number of findings of noncompliance the State identified in FFY 2009 (the period from July 1, 2009 through June 30, 2010) (Sum of Column a on the Indicator B15 Worksheet)	375
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)	285
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	90

**FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):**

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	90
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	73
6. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	17

Note: #5--72 compliance monitoring findings and 1 B13 finding

**Verification of Correction for findings of noncompliance identified in FFY 2009 (either timely or subsequent):**

A finding was defined as systemic and each student-specific item(s) had to be corrected at 100%. The written notification emphasized correction of noncompliance as soon as possible and the correct implementation of the specific regulatory requirements of IDEA based on the review of updated data through NASIS desk audits consistent with OSEP 09-02 memo. The BIE received correction action plans from the schools with identified findings that demonstrated how each student-specific finding(s) of noncompliance would be corrected at 100% compliance.

The verification of correction is a BIE responsibility to verify that each school is correcting noncompliance within one-year of written notification or subsequently. Before the BIE concluded and reported that noncompliance had been corrected, consistent with the OSEP 09-02 memo, the BIE verified correction of noncompliance for each school that had finding(s) identified during SY 2009-2010 had corrected each student-specific finding (subparts of each category) of noncompliance and was correctly implementing the specific regulatory requirements of IDEA based on the review of updated data (IEPs and supporting signature/date documents and forms) in NASIS.

The BIEs examination of updated data (IEPs, supporting signature/date documents and forms) through the NASIS special education module provided a high degree of confidence and flexibility that each school had corrected previously identified noncompliance and was correctly implementing the specific regulatory requirements of IDEA. As a result of BIEs verification of correction of noncompliance for each school that had identified finding(s), it concludes and reports in the B15 worksheet and in this APR that:

- 285 of 375 (76%) findings were **timely corrected** within the one-year timeline of written notification, and
- 73 of 375 (19%) findings were **subsequently** corrected beyond the one-year timeline.

The BIE notified each school in writing that the finding(s) of noncompliance were verified corrected and that they were correctly implementing the specific regulatory requirements of IDEA based on the review of updated data in NASIS. If a student is no longer within the jurisdiction of a school (e.g., exited, transferred, graduated, etc.), the BIE-funded school is not required to correct findings of noncompliance. However, each school is still responsible for ensuring that they're correctly implementing the specific regulatory requirements of IDEA for new students.

If a school's correction of noncompliance cannot be verified, the BIE provides two primary enforcement actions that will be applied--intensive targeted technical assistance and enforcement action. This is explained in further detail in the next two sections of this indicator report. Throughout the verification process, the BIE continues to monitor the progress of each school through NASIS desk audits.

**Describe the specific actions that the State took to verify the correction of findings of non-compliance identified in FFY 2009 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):**

1. General Supervision Procedures
  - a. The BIE redefined and made changes to its monitoring system that is aligned with IDEA regulations to make it more effective in working with schools to address noncompliance and correction in a timely manner and therefore provide improved services to students with disabilities; and
  - b. The SEIMP has been developed and implemented. The SEIMP includes three components--desk audit for Indicators 11 and 13, on-site focused monitoring visits, and other activities (Indian Student Equalization Program, dispute resolution, parent concerns).
2. Specific Actions that verify correction of noncompliance
  - a. In accordance with the OSEP 09-02 memo, the BIE took the following actions to verify correction of noncompliance identified during SY 2009-2010:
    - i. Findings of noncompliance were identified through on-site monitoring visits;
    - ii. Schools were provided written notification of findings on September 28, 2010;
    - iii. Schools developed, submitted, and implemented a corrective action plan demonstrating how each student-specific item(s) of noncompliance would be corrected;
    - iv. The BIE conducted a review of updated data (IEPs and supporting signature/date documents and forms) in the NASIS special education module to ensure that each school had corrected noncompliance within one-year of written notification and that they were correctly implementing the specific regulatory requirements of IDEA at 100% compliance;
      - a) At least three current student files (IEPs, supporting signature/date documents and forms) were examined in NASIS for schools with less than 50 students with disabilities; and

- b) At least five current student files (IEPs, supporting signature/date documents and forms) were examined in NASIS for schools with more than 50 students with disabilities.
  - v. The BIE notified schools, in writing, who corrected noncompliance within one-year of identification and that they were correctly implementing the specific regulatory requirements of IDEA based on the review of updated data in NASIS;
  - vi. For any noncompliance that cannot verified corrected within one-year of identification, the BIE notifies the school in writing and enforcement action is taken against the school including intensive targeted technical assistance and enforcement action.
- 3. Enforcement. If a school continues to show noncompliance to correct within the required one-year timeline of identification, two primary enforcement actions are applied:
  - a. Intensive Targeted Technical Assistance
    - i. Three required webinars: enforcement actions for not correcting noncompliance; root cause analysis; and specific data analysis; and
    - ii. Special conditions-required action and timelines for the subsequent correction of noncompliance.

The BIE continues to monitor the progress of each school through NASIS desk audits to ensure that they are correctly implementing the specific regulatory requirements of IDEA based on the review of updated data in NASIS. Following the technical assistance provided, the BIE conducts a review of updated data to verify subsequent correction of noncompliance beyond the one-year timeline:

- b. Enforcement Action. If a school continues to show noncompliance and the BIE cannot verify correction of noncompliance, additional enforcement action against the school include:
  - i. Written notification was provided to each school informing them of continuing noncompliance although previous notice (October 20, 2011) and intensive targeted technical assistance provided by the BIE. The notification includes the following enforcement actions being applied:
  - ii. Incremental distribution of special education Part B funding;
  - iii. Fiscal Accountability review of the school's special education program;
  - iv. Individual school status is reported in the Annual Performance Report (APR) and quarterly Program Improvement Accountability Plan (PIAP) that impacts the BIEs level of determination made by the Office of Special Education Program (OSEP); and
  - v. A BIE/DPA staff member is assigned to provide technical assistance to the school in the correction/correct implementation of the specific regulatory requirements.

The written notification to each BIE-funded school administrator included courtesy copies to the Associate Deputy Directors (East, Navajo, West), Education Line Officers, and the BIE Director. A courtesy copy was also provided to the Grantee for Tribally Controlled Schools.

#### **Actions Taken if Noncompliance Not Corrected**

The BIE cannot verify correction of noncompliance for 17 findings that were identified during SY 2009-2010 within the one-year timeline of September 28, 2011 or subsequently. Although the BIE conducted updated data reviews for each school through NASIS, they're continuing to show noncompliance to correct. The schools are not scanning and uploading the required signature/date documents and forms into the special education module that supports the management of each student's IEP. Each school was notified in writing on October 20, 2011 of their continuing noncompliance and the notification addressed the following enforcement action(s) to be applied, consistent with the OSEP 09-01 memo:

1. Intensive targeted technical assistance and Special Conditions
  - a. November 15, 2011: required webinar on *Identification/Correction of findings of noncompliance and enforcement actions for continued noncompliance*;
  - b. November 29, 2011: required webinar on *Root Cause Analysis*;
  - c. December 15, 2011: required webinar on *Specific technical assistance on the categorical findings of noncompliance (IEP content, parent participation documentation, re-evaluation assessment procedures, and special factors)*; and
  - d. Special Conditions: required action and timelines for the subsequent correction of noncompliance.

The BIE conducted additional reviews of each schools updated data through a NASIS desk audit (IEPs, supporting signature/date documents and forms) and monitored the progress of each school during January 9-13, 2012 to verify correction of noncompliance. However, the BIE could not verify the subsequent correction of noncompliance and that each school was correctly implementing the specific regulatory requirements of IDEA. Therefore, the second enforcement action was taken as presented in #2 below.

2. Enforcement action.
  - a. Written notification was provided to each school informing them of continuing noncompliance although previous notice (October 20, 2011) and intensive targeted technical assistance provided by the BIE. The notification includes the following enforcement actions being applied:
    - i. Incremental distribution of special education Part B funding;
    - ii. Fiscal Accountability review of the school's special education program;
    - iii. Individual school status is reported in the APR and quarterly PIAP that impacts the BIEs level of determination made by the OSEP; and
    - iv. A BIE/DPA staff member is assigned to provide technical assistance to the school in the correction/correct implementation of the specific regulatory requirements.
  - b. The written notification to each BIE-funded school administrator included courtesy copies to the Associate Deputy Directors (East, Navajo, and West), Education Line Officers, and the BIE Director. A courtesy copy was also provided to the Grantee for Tribally Controlled Schools.

The BIE will conduct another review of updated data in May 2012 for the period January 9, 2012 through May 11, 2012 through NASIS special education module to verify correction and that each school is correctly implementing the specific regulatory requirements of IDEA.

#### **Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable)**

If the State reported <100% for this indicator in its FFY 2009 APR and did not report in the FFY 2009 APR that the remaining FFY 2008 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2008 findings noted in OSEP's FFY 2009 APR response table for this indicator	30
2. Number of remaining FFY 2008 findings the State has verified as corrected	24
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	6

There was a calculation error reported in the FFY 2009 APR Part B Indicator 15 worksheet. The correct sum for column "b" should have been 134 instead of 143. The timely correction number of 134 on page 67 is correct as reported.

As reported in the FFY 2009 APR (page 67), there remained 30 findings of noncompliance that the BIE was unable to verify as corrected at the time of the APR submission. A finding was defined as being the same as the number of schools issued findings for that year. Since the last APR, 24 findings have been subsequently corrected and verified by the BIE as correctly implementing the specific regulatory requirements of IDEA through the review of updated data in NASIS desk audits. For the current FFY 2010 APR, 6 findings remain not verified corrected.

The BIE is continuing to review updated data in the school's NASIS special education modules until there is a high degree of confidence and flexibility that the school had corrected previously identified noncompliance was correctly implementing the specific regulatory requirements of IDEA.

**Correction of Any Remaining Findings of Noncompliance identified in FFY 2007 or Earlier (if applicable)**

Not Applicable.

**Additional Information Required by the OSEP FFY 2009 APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
The BIE must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining 30 findings of noncompliance identified in FFY 2008 that were not reported as corrected in the FFY 2009 APR were corrected.	FFY 2008--24 of 30 findings of noncompliance have been verified corrected. Six findings cannot be verified corrected.
The BIE must review its improvement activities and revise them, if appropriate, to ensure they will enable the BIE to provide data in the FFY 2010 APR, demonstrating that the BIE timely corrected noncompliance identified by the BIE in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.	The improvement activities will remain the same.
In reporting on correction of findings of noncompliance in the FFY 2010 APR, the BIE must report that it verified that each school with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a BIE data system; and (2) has corrected each	The BIE reviews updated data in NASIS to ensure that each school has corrected student specific findings and that they are correctly implementing the specific regulatory requirements of IDEA based on the review of updated data in NASIS. The BIE continues to monitor the progress of each school.



individual case of noncompliance, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memo 09-02.	
In the FFY 2010 APR, the BIE must describe the specific actions that were taken to verify the correction.	The verification of correction is addressed in the APR under Indicator 15.
In reporting on Indicator 15 in the FFY 2010 APR, the BIE must use the Indicator 15 Worksheet.	The B15 worksheet has been used to report on timely initial evaluations, secondary transition, dispute resolution, and monitoring activities. The numbers are aligned.
In addition, in responding to the Indicators 4A, 11, and 13 in the FFY 2010 APR, the BIE must report on correction of the noncompliance described in this table under those indicators.	Correction is reported under Indicators 4A, 11, and 13.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

The BIE has taken significant steps to develop its monitoring system to make the process more effective in working with all BIE-funded schools with academic programs to address timely correction of noncompliance and therefore provide better services to students with disabilities. The SEIMP includes the following components:

1. Desk Audit: Indicator 11 (timely initial evaluations) and Indicator 13 (secondary transition);
2. Focused Monitoring (timely correction of noncompliance): On-Site visits that include file reviews, interviews, informal classroom observations, and school documents review; and
3. Other: ISEP, Dispute Resolution, Parent Concerns.

Data presentation, selection criteria, process, targeted technical assistance, and roles and responsibilities are the processes that intersect with each of the three components.

**Improvement Activities/Timelines/Resources for SY 2011-2013**

ACTIVITY	TIMELINE	RESOURCES
Continue enforcement actions for schools that continue to show noncompliance to correct: <ol style="list-style-type: none"> <li>a. BIE-Operated Schools: Education Line Officers, Associate Deputy Directors, BIE Director</li> <li>b. Tribally Controlled Schools: Grantees, Education Line Officers, Associate Deputy Directors, BIE Director</li> </ol>	SY 2011-2012	BIE/DPA BIE/School Operations Education Line Officers Associate Deputy Directors BIE Director

		Grantees Solicitors
Training for schools and education line offices on sustaining correct practices of specific regulatory requirements of IDEA.	SY 2011-2012	BIE/DPA Schools Education Line Offices
Refine data base program to track noncompliance findings.	SY 2011-2012	BIE/DPA
Desk Audit file reviews of IEPs will be conducted using the NASIS special education module to ensure schools are correctly implementing the specific regulatory requirements of IDEA based on updated data.	SY 2011-2012	BIE/DPA

## TA Sources and Actions

TA Sources Accessed	Actions Taken as Result of TA
Data Accountability Center Mountains Plains Regional Resource Center 2011 OSEP Leadership Mega Conference	<ul style="list-style-type: none"> <li>▪ Redefined the monitoring system</li> <li>▪ Developed a monitoring manual</li> <li>▪ Refined data base to track all findings of noncompliance and correction of noncompliance</li> <li>▪ Ongoing verification of correction to ensure correction and correct implementation of specific regulatory requirements of IDEA through NASIS desk audits</li> <li>▪ Training to schools to sustain correct practices of specific regulatory requirements</li> <li>▪ Developed and implemented targeted technical assistance and enforcement actions; providing administrative support to Education Line Officers and Associate Deputy Directors</li> <li>▪ Developing focus on results-driven accountability</li> <li>▪ Proposals submitted to present on APR and monitoring activities at the 2012 BIE Summer institute</li> <li>▪ Procedural safeguards training to parents and schools</li> </ul>

PART B INDICATOR 15 WORKSHEET				
Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
2. Percent of youth with IEPs dropping out of high school.				
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.	Dispute Resolution: Complaints, Hearings			
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
7. Percent of preschool children with IEPs who demonstrated improved outcomes.				
	Dispute Resolution: Complaints, Hearings			
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			

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 comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Dispute Resolution: Complaints, Hearings			
5. Percent of children with IEPs aged 6 through 21 - educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
6. Percent of preschool children aged 3 through 5 – early childhood placement.	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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate	Dispute Resolution: Complaints, Hearings			

identification.				
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	4	4
	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	24	24	21
	Dispute Resolution: Complaints, Hearings			

Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	84	344	257
	Dispute Resolution: Complaints, Hearings	2	3	3
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	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			
<b>Sum the numbers down Column a and Column b</b>			375	285
<b>Percent of noncompliance corrected within one year of identification =</b>			<b>(b) / (a) X 100</b> <b>=</b>	<b>76.00%</b>
<b>(column (b) sum divided by column (a) sum) times 100.</b>				
Note:				
1. B15: 1 LEA already in B11 count: 1 LEA already B13 count.				
2. 24 transition only findings already in B13 count: 2 B11 only findings already in B11 count.				

**Part B State Annual Performance Report (APR) for 2010****Overview of the Annual Performance Report Development:****Monitoring Priority: Effective General Supervision Part B/General Supervision**

**Indicator 16:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.  
(20 U.S.C. 1416 (a)(3)(B))(20 U.S.C. 1416 (a)(3)(B))

**Measurement:** Percent = [(1.1(b)+1.1(c) divided by 1.1] times 100

FFY	Measurable and Rigorous Target
<i>FFY 2010</i>	<i>100%</i>

**Actual Target Data for (2010):**

# Complaints	3
# Complaints Withdrawn	0
# Complaints Resolved with Reports Issued that were Resolved within 60-day timeline	0
Percent of Complaints with Reports Issued that were Resolved within 60-day Timeline	0%

BIE did not meet the target.

In school year 2010-2011 BIE received 3 signed written complaints. None of the complaints were completed within the 60-day timeline due to contract issues. However the three complaint requests have been investigated and the results are as follows. One of the complaints investigated resulted in 4 noncompliance findings being issued and the other 2 resulted in zero non-compliance.

BIE/DPA has assigned an Education Specialist to maintain and track all Dispute Resolution requests. Investigations for the state complaints were delayed due to the prolonged contract process. All of the state complaints have been investigated.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2010-2011):**

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. BIE funded schools are proactive and use a less formal approach in reducing the number of complaints filed by working collaboratively with the parents to address concerns when the concerns are brought forth.

**Please note: The comments and activities listed on this indicator apply to indicator #17, #18, and #19 also.**

ACTIVITY	STATUS
1: (Preventative): Do follow-up on SY 2010-2011 findings to ascertain whether schools have implemented changes as needed.	Ongoing Activity
2. Training on procedural safeguards.	BIE Summer Institute and BIE Special Education Academy Ongoing activity through WebEx training
3. Develop and disseminate policies and guidance.	<p>The following are posted on the BIE Website under Special Education link:</p> <ol style="list-style-type: none"> <li>1. Procedures for investigation and Resolution of Complaints/Forms</li> <li>2. Special Education Procedural Safeguard Brochure</li> </ol>

**Revisions, with Justification,** to Proposed Targets / Improvement Activities / Timelines / Resources for (2011-2012)

Request for a State Complaint Investigation form is posted on the BIE website.



**Part B State Annual Performance Report (APR) for 2010****Overview of the Annual Performance Report Development:**

<b>Monitoring Priority: Effective General Supervision Part B/General Supervision</b>
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**Indicator 17:** Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.  
(20 U.S.C. 1416 (a)(3)(B))

<b>Measurement:</b> Percent = [(3.2(a)+3.2(b)) divided by 3.2] times 100	
<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>FFY 2010</b>	100%

**Actual Target Data for (2010):**

The Bureau of Indian Education **did not have any fully adjudicated** due process hearing request.

There were 4 due process requests filed in FFY-2010-2011.

**Results of the requests filed**

Settled during Mediation	1
Settled during the Resolution Session	1
Declared insufficient by hearing officer	1
Filed at the wrong agency, forwarded to correct education agency.	1

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2010):** The BIE did not have any fully adjudicated due process hearing requests data to report.

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. BIE funded schools are proactive and use a less formal approach in reducing the number of complaints filed by working collaboratively with the parents to address concerns when the concerns are brought forth.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2010-2011):** Repeated from Indicator# 16,18,19.

Please note: The comments and activities listed on this indicator apply to indicator #16, #18, and #19 also.

**Request for Mediation, Due Process Hearing, and State Complaint Investigation forms posted on the BIE website.**

ACTIVITY	STATUS
1: (Preventative): Do follow-up on SY 2010-2011 findings to ascertain whether schools have implemented changes as needed.	Ongoing Activity
2. Training on Procedural Safeguard.	BIE Summer Institute  BIE Special Education Academy and  Ongoing activity
3. Develop and disseminate policies and guidance.	The following are posted on the BIE Website under Special Education link:  3. Procedures for investigation and Resolution of Complaints/Forms 4. Parent/School Procedures and Mediator's Manual/Forms 5. Due Process Hearing Procedures/Forms 6. Special Education Procedural Safeguard Brochure

**Part B State Annual Performance Report (APR) for 2010****Overview of the Annual Performance Report Development:**

<b>Monitoring Priority: Effective General Supervision Part B/General Supervision</b>
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**Indicator 18:** Percent of hearing request that went to resolution sessions that were resolved through resolution session settlement agreements.  
(20 U.S.C. 1416 (a)(3)(B))

<b>Measurement:</b> Percent = (a) divided by 3.1] times 100.
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FFY	Measurable and Rigorous Target
<b>FFY 2010</b>	

**Actual Target Data for (2010):**

There were 4 due process hearing requests filed in FFY-2010-2011.

One of the four (25%) of the hearing requests was resolved during the resolution session.

**Since the number of resolution sessions conducted for FFY 2010 remained under 10, the BIE is not required to report on this indicator.**

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2010-2011):**

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. BIE funded schools are proactive and use a less formal approach in reducing the number of complaints filed by working collaboratively with the parents to address concerns when the concerns are brought forth.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2010-2011 :)** repeated from Indicator#16, 17, 19.

*Request for Mediation, Due Process Hearing, and State Complaint Investigation forms posted on the BIE website.*

Please note: The comments and activities listed on this indicator apply to indicator #16,#17 and #19 also.

ACTIVITY	STATUS
1. (Preventative): Do follow-up on SY 2010-2011 findings to ascertain whether schools have implemented changes as needed.	Ongoing Activity
2. Training on Procedural Safeguard.	Ongoing Activity
3. Develop and disseminate policies and guidance.	<p>The following are posted on the BIE Website under Special Education link:</p> <ol style="list-style-type: none"> <li>1. Procedures for investigation and Resolution of Complaints/Forms</li> <li>2. Parent/School Procedures and Mediator's Manual/Forms</li> <li>3. Due Process Hearing Procedures/Forms</li> <li>4. Special Education Procedural Safeguard Brochure</li> </ol>

**Part B State Annual Performance Report (APR) for 2010****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 =  $[(2.1(a)(i)+2.1(b)(i)) \text{ divided by } 2.1] \text{ times } 100\%$

FFY	Measurable and Rigorous Target
<b>FFY 2010</b>	<i>100%</i>

**Actual Target Data for (2010):**

BIE received three requests for mediation. The three requests for mediation were mediated within one year.

Percent =  $[(2.1(a)(i)+2.1(b)(i)) \text{ divided by } 2.1] \text{ times } 100\%$

**BIE met the target.**

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2010-2011):**

The State is not required to provide targets or improvements activities until ten or more mediation sessions are held.

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. BIE funded schools are proactive and use a less formal approach in reducing the number of complaints filed by working collaboratively with the parents to address concerns when the concerns are brought forth.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2010-2011)**

Request for Mediation forms posted on the BIE website.

Please note: The comments and activities listed on this indicator apply to indicator #16, #17 and #18 also.

ACTIVITY	STATUS
1: (Preventative): Do follow-up on SY 2010-2011 findings to ascertain whether schools have implemented changes as needed.	Ongoing Activity
2. Training on resolution process.	Ongoing Activity

Part B State Annual Performance Report (APR) for 2010

## Overview of the Annual Performance Report Development:

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

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

**Measurement:**

State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
FFY 2010	100%

**Actual Target Data for (Insert FFY):**

100% Indicator score.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (Insert FFY):**

- Data collection--The BIE has a data collection tool that allows improved identification, correction, tracking, and verification of the status of individual student-specific noncompliance and systemic issues. The tool allows the BIE special education staff to have information from the data base extracted in varied combinations so as to cross reference and verify correction of noncompliance and the correct implementation of the specific regulatory requirements of IDEA'
- The data from the data base supports analysis of findings to assist in the identification of root cause. This serves as the basis of targeted technical assistance decisions;
- Training and guidance on how a school should enter data into the NASIS system has continued. The NASIS support team has been trained on special education issues to gain awareness of what is required;
- The special education forms and IEP documents are online within NASIS. All but 3 schools have their IEPs and supporting documents and forms online which enables the BIE special education staff to conduct desk audits for Indicators 11, 13, and to examine updated data. They also verify

correction of noncompliance around IEPs and other support actions (e.g., meeting attendees, meeting notices, etc.); and

- Continued technical assistance provided by the MPRRC and DAC help the BIE identify, analyze, and improve processes and systems.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2010:**

The BIE has redefined and made changes to its monitoring system to make it more effective in the identification, correction, and verification of noncompliance. These actions support the ability to determine root cause for systemic issues and address the root causes:

- The BIE has developed and implemented the SEIMP;
- The BIE continues to refine data collection related to special education in NASIS. Training on NASIS and special education continues on an ongoing basis; and
- The NASIS special education process guide has been developed and revised periodically which provides precise guidance to data entry and defines the data for each entry.

**Improvement Activities/Timelines/Resources for SY 2011-2012**

ACTIVITY	TIMELINE	RESOURCE
Utilizing the same sets of data for reporting to OSEP and EdFacts.  The BIE has been cleared to go "EdFacts Only" on Tables 1, 2, 3, and 6. However, Tables 4 & 5 will require further development to ensure congruency is met with SY 2011-2012 reporting.	SY 2011-2012	BIE/DPA data unit
The BIE will implement a newer, easier reporting system for behavior events based on the NCES Safety in Numbers schema.	SY 2011-2012	BIE/DPA data unit Special Education unit
Continued training to schools on entering their data into NASIS accurately and timely.	SY 2011-2012	BIE/DPA data unit Special Education unit NASIS staff Webinars
Increase collaboration between the data unit and the special education unit to streamline special education data collection and reporting.	SY 2011-2012	BIE/DPA data unit Special Education unit DAC MPRRC



## TA Sources and Actions Taken

TA Sources Accessed	Actions Taken as Result of TA
Data Accountability Center Mountain Plains Regional Resource Center	<ul style="list-style-type: none"> <li>▪ Data formatting</li> <li>▪ Use of crosswalk tools</li> <li>▪ Ensuring tables submitted are in correct format</li> <li>▪ APR target setting</li> </ul>

## FFY 2010 APR (BIE)

SPP/APR Data - Indicator 20			
APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
4B	N/A	N/A	0
5	1	1	2
7	N/A	N/A	0
8	1	1	2
9	N/A	N/A	0
10	N/A	N/A	0
11	1	1	2
12	1	N/A	0
13	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		<b>Subtotal</b>	30
<b>APR Score Calculation</b>	<b>Timely Submission Points</b> - If the FFY 2010 APR was submitted on-time, place the number 5 in the cell on the right.		5
	<b>Grand Total</b> - (Sum of subtotal and Timely Submission Points) =		35.00

618 Data - Indicator 20					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/2/11	1	1	1	1	4
Table 2 - Personnel Due Date: 11/2/11	1	1	1	N/A	3
Table 3 - Ed. Environments Due Date: 2/2/11	1	1	1	1	4
Table 4 - Exiting Due Date: 11/2/11	1	1	1	N/A	3
Table 5 - Discipline Due Date: 11/2/11	1	1	1	N/A	3
Table 6 - State Assessment Due Date: 12/15/11	1	N/A	N/A	N/A	1
Table 7 - Dispute Resolution Due Date: 11/2/11	1	1	1	N/A	3
Table 8 - MOE/CEIS Due Date: 5/1/11	1	N/A	N/A	N/A	1
				Subtotal	22
618 Score Calculation			Grand Total (Subtotal X 2.045) =		45.00

<b>Indicator #20 Calculation</b>	
A. APR Grand Total	35.00
B. 618 Grand Total	45.00
C. APR Grand Total (A) + 618 Grand Total (B) =	80.00
Total N/A in APR	10
Total N/A in 618	0
<b>Base</b>	<b>80.00</b>
D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.00

\* Note any cell marked as N/A will decrease the denominator by 1 for APR and 2.045 for 618



## Student File Review for Students with Disabilities Who Have Been Suspended or Expelled for Greater Than 10 Days in a School Year

\_\_\_\_\_  
School Name

\_\_\_\_ \_  
Student 9 digit NASIS ID number

**Indicate the school level of student**

- ☐ ELE (Elementary K-5)  
☐ MS (Jr High/Middle School 6-8)  
☐ HS (High School 9-12)

***For each file reviewed, mark each item "Y" for Yes, "N" for No, or "NA" for Not Applicable".***

Suspension and Expulsion – Short-term and Long-term			
<input type="checkbox"/> Did the student receive special education services beginning on the cumulative 11 <sup>th</sup> day of suspension during a school year regardless of whether or not a change of placement occurred? (CFR 300.101; 300.530(2))  <i>Method: Look for documentation within the student file to confirm that special education services were provided beginning on the 11<sup>th</sup> day of suspension. Documentation may be provided on a School form separate from the IEP.</i>  Reviewer Comments:	Yes	No	NA
<b>Manifestation Determination</b>			

<p>If a manifestation determination review was conducted, did it meet the following requirements?</p> <p><input type="checkbox"/> Did the parent participate in the review? (If the parent did not attend, is there documentation that notice of the review sent by two different methods?)</p> <p><input type="checkbox"/> Did <b>all</b> relevant IEP team members (as determined by the parent and the School) attend the review?</p> <p><input type="checkbox"/> Was the manifestation determination review held no later than 10 school days after the decision to suspend/expel the student or remove the student to an alternate placement (resulting in a change of placement)?</p> <p>Date of decision to suspend/expel: _____ Date of Manifestation Determination _____</p> <p><i>Method: 1) Check for parent signature on Manifestation Determination Review Form. If there is no parent signature, look for documentation of parent contact for the meeting in the student file. Verify that the parent was contacted on three separate occasions through two different forms of communication. 2) Check for documentation of members invited to attend the Manifestation Determination. Check for signatures on Manifestation Review Form. 3) Compare the date of decision to expel to the date of the Manifestation Determination review. Using a school calendar, confirm that no more than 10 <u>school days</u>* passed before the Manifestation Determination Review was held. *(CFR 300.530(e)(1))</i></p> <p><b>Reviewer Comments:</b></p>	Yes	No	NA
<p>As part of the manifestation determination, did the team consider <b>ALL</b> relevant information in the student's file, including the following:</p> <p><input type="checkbox"/> The child's IEP?</p> <p><input type="checkbox"/> Any relevant information provided by the parents of the child?</p> <p><input type="checkbox"/> Any teacher observation(s) of the child?</p> <p><input type="checkbox"/> Whether the conduct in question was caused by or had a direct and substantial relationship to the child's disability?</p> <p><input type="checkbox"/> Whether the conduct in question was a direct result of the school's failure to implement the IEP?</p> <p><i>Method: Check for documentation (recorded on the Manifestation Determination Review Form or in meeting notes) that each of the above was discussed by the team.</i></p> <p><b>Reviewer Comments:</b></p>	Yes	No	NA
<p>Did the team determine the manifestation to be a result of the student's disability? _____ Yes _____ No</p> <p><i>If the team determined the manifestation was a result of the student's disability:</i></p> <p><input type="checkbox"/> Was a functional behavioral assessment and a behavior intervention plan completed as a result of the manifestation?</p> <p style="text-align: center;"><input type="checkbox"/> <b>OR</b></p> <p><input type="checkbox"/> Was a review of the existing behavior plan conducted and modified as necessary to address the behavior that resulted in the disciplinary removal?</p> <p><i>Method: Check for documentation (recorded on the Manifestation Determination Review Form or in meeting notes) that each of the above was discussed and/or acted upon by the team.</i></p> <p><b>Reviewer Comments:</b></p>	Yes	No	NA
Change of Placement (if applicable)			

<p>If a child with a disability was removed to an interim alternate educational setting, was it selected with the following criteria?</p> <p><input type="checkbox"/> Educational services are provided to enable the child to continue to progress in the general education curriculum.</p> <p><input type="checkbox"/> The child continues to receive needed special education services and modifications to continue to work toward meeting the goals of the IEP.</p> <p><input type="checkbox"/> The placement includes services and modifications to address the behavior that resulted in the removal. These services and modifications are designed to prevent the behavior from recurring.</p> <p><input type="checkbox"/> Placement in an interim alternate educational setting does not exceed 45 calendar days unless additional days (up to an additional 45 days) has been ordered by a special education due process hearing officer. Placement from _____ To _____</p> <p><i>Method: Check Prior Written Notice for Change in Placement, the IEP and/or meeting notes/documents to confirm that each of the above requirements was met.</i></p> <p><b>Reviewer Comments:</b></p>	Yes	No	NA
<p><input type="checkbox"/> Were the parents of the child with disabilities notified of the decision to remove the child no later than the date on which the decision to change placement was made?</p> <p><i>Method: Compare the date on the Prior Written Notice for Change of Placement provided to that parent to the date of removal.</i></p> <p><b>Reviewer Comments:</b></p>	Yes	No	NA
<p><input type="checkbox"/> Was prior notice for the change given to the parent(s) <i>along with a copy of the procedural safeguards?</i></p> <p><i>Method: Check student file for Prior Written Notice for Change of Placement and documentation that the parent was provided a copy of the procedural safeguards.</i></p> <p><b>Reviewer Comments:</b></p>	Yes	No	NA
<b>Individualized Education Program (IEP) Review INCLUDING Review for Positive Behavioral Interventions (Only review the most current IEP)</b>			
<p><input type="checkbox"/> The IEP includes a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child and his/her involvement and progress in the general education environment.</p> <p><i>Method: Review the file to locate the sections of the student's IEP describing the child's present levels of academic achievement and functional performance. Within each section, a statement should be included describing how the child's disability affects the child and his/her involvement and progress in the general education environment.</i></p> <p><b>Reviewer Comments:</b></p>	Yes	No	NA

<input type="checkbox"/> The IEP includes measureable annual goal(s)  <i>Method: Each goal written in the IEP should contain four critical components:</i> 1) Timeframe (usually specified in the number of weeks or a certain date for completion); 2) Conditions (the manner in which progress toward the goal is measured: "When presented w/ 2 <sup>nd</sup> -grade-level text...", "Given a mixed, 4 <sup>th</sup> -grade-level math calculation probe...."); 3) Behavior (the performance that is being monitored, usually reflecting an action or what can be directly observed: "Sarah will read..." "Claude will correctly solve..."); 4) Criterion (identifies how much, how often, or to what standards the behavior must occur in order to demonstrate that the goal has been reached: "96 words per minute with 5 or fewer errors", "85% or more correct for all problems presented.")  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> The IEP includes a description of how the child's progress toward meeting the annual goals will be measured and when the progress reports will be provided.  <i>Method: Review the most recent IEP to determine, if as part of the annual goal or elsewhere in the IEP, how progress toward the goal will be measured. Review the IEP to determine that documentation is included which indicates when periodic reports on the child's progress toward meeting the annual goals will be provided to the parent.</i>  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> The IEP includes a statement of special education and related services and supplementary aides and services, based on peer-reviewed research to the extent possible.  <i>Method: Review the most recent IEP for a statement of special education and related services and supplementary aides and services <u>based on peer-reviewed research to the extent practicable</u>.</i>  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> The IEP includes a statement of needed program modifications or supports for school personnel.  <i>Method: Review the most recent IEP for documentation of needed program modifications and supports for school personnel that will be provided for the child. If no program modifications or supports for school personnel are needed, the IEP should state that no supports for school personnel are needed to document that the discussion took place.</i>  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> The IEP includes a date for beginning services along with frequency, location and duration of services and modifications identified in the IEP.  <i>Method: Review the file to locate documentation that the IEP contains a beginning date for each of the education and related services, the supplementary aids and services [including accommodations], and program modifications or supports for school personnel that will be provided.</i>  <b>Reviewer Comments:</b>	Yes	No	NA

<input type="checkbox"/> The IEP includes a description of the child's strengths and needs.  <i>Method: The child's strengths should be included in the present levels of academic achievement and functional performance of the child, as identified through the evaluation. Review the present levels of academic achievement and functional performance for a description of the student's academic, developmental and functional needs.</i>  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> (If the child is 16 years of age or more) appropriate measureable postsecondary goals related to training, education, employment, and, if appropriate, independent living skills 34 CFR§300.320(b) and (c)  <i>Method: IF THE CHILD IS 16 YEARS OF AGE OR OLDER, review the file to locate documentation that the IEP contains measureable postsecondary goals relating to EACH of the following areas: education, employment, and, if appropriate, independent living skills.</i>  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> (If the child is 16 years of age or older) transition services (including courses of study) to be provided 34 CFR§300.320(b) and (c)  <i>Method: IF THE CHILD IS 16 YEARS OF AGE OR OLDER, review the file to locate documentation that the IEP contains a description of transition services (including a listing of courses of study) needed by the student.</i>  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> The IEP has been updated annually 34 CFR§300.324(b)(1)  <i>Method: Review the IEP for strategies, positive behavioral interventions and supports. These may be addressed in the program modifications section of the IEP, the measurable annual goals, a behavior intervention plan, or another section of the IEP depending on the needs of the student and the severity of the behavior.</i>  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> If the child's behavior impedes his/her learning or that of others, there is documentation in the IEP and/or special education file that the IEP team considered strategies, including positive behavioral interventions, and supports to address that behavior. 34 CFR§300.324(a)(2)(i)  <i>Method: Review the file for any documented concerns or evaluations that address the child's behavior. If behavior has been a concern for the child, there should be documentation in the file that the IEP team considered strategies, positive behavioral interventions and supports at the IEP team meeting. Sources of data for this information include records of general education intervention, Present level of Educational Performance, Parental concerns, team meeting notes, evaluation team reports, etc.</i>  <b>Reviewer Comments:</b>	Yes	No	NA
<input type="checkbox"/> If the IEP team determines that any strategies, <b>positive behavioral interventions</b> and supports are necessary to address the child's behavior, these are documented in the IEP.  <b>Reviewer Comments:</b>	Yes	No	NA



Bureau of Indian Education (BIE)  
State

Bureau of Indian Education  
Division of Performance and Accountability  
Special Education

Corrective Action Plan for Disciplining Students with Disabilities 2009-2010 and 2010-2011

Component	Findings of Noncompliance	Required Action for Correcting Noncompliance and Due Date	Correction by School (Date/Principal Signature)	Verification of Correction by BIE-DPA Staff (Date/ Staff Signature)
Indicator 4A – Schools with Findings of Noncompliance	34 CFR §300.530 (c) (d) (e) (f) (g) (h)	<ol style="list-style-type: none"> <li>1. The School will correct student specific findings as indicated on the Corrective Action Plan to be issued on 05/14/2012. (due within 30 school days of issuance)</li> <li>2. The School will participate in training on Functional Behavior Assessments and IEP development / implementation (complete by 12/03/2012)</li> <li>3. The School will report to the DPA all students with disabilities who subsequently have been suspended or expelled for more than 10 days. (DPA will verify implementation of regulatory requirements and issue closeout for those in compliance or continue to monitor Schools who have continued noncompliance)(due 12/03/2012)</li> <li>4. The School will report to the DPA all students with disabilities who subsequently have been suspended or expelled for more than 10 days. (DPA will verify implementation of regulatory requirements and issue closeout for those in compliance or continue to monitor Schools who have continued noncompliance)(due 05/14/2013)</li> </ol>		

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Division of Performance and Accountability  
Special Education

Corrective Action Plan for Special Education Integrated Monitoring Process (SEIMP) SY \_\_\_\_ - \_\_\_\_

Education Line Office:  
School:  
School Contact Person:

Date of Written Notification:

Correction of Noncompliance due:

Component	Findings of Noncompliance	Required Action for Correcting Noncompliance and Due Date	Correction by School (Date/Principal Signature)	Verification of Correction by BIE-DPA Staff (Date/ Staff Signature)
Focused Monitoring: Special Education Student File Reviews	34 CFR §300.22 <u>N/A</u> findings of noncompliance	To correct findings of noncompliance as soon as possible and no later than 12/29/2012:		
Indicator 11 Desk Audit	34 CFR §300.301(c) <u>4</u> findings of noncompliance	1-Correct student specific findings of noncompliance by 1/30/12 1a-Correct each student specific finding 1b-Contact DPA and request verification of each student specific finding		
Indicator 13 Desk Audit	34 CFR §300. <u>N/A</u> findings of noncompliance	2-Conduct an analysis of the student file review findings to determine actions to meet the specific regulatory requirement(s) by 1/30/12		
ISEP Sp Ed Audit	34 CFR §300.306(a)(1) <u>0</u> findings of noncompliance 34 CFR §300.222 <u>0</u> findings of noncompliance 34 CFR§300.503(a)(1) <u>0</u> findings of noncompliance	2a-Develop by 2/27/12 an action plan with tasks and deadlines 2b-Implement action plan and complete by 4/16/12 2c-Notify DPA and request verification by 4/30/12		
Indicator 4A – Schools w/ Finding of Noncompliance	34 CFR §300.530 (c)(d)(e)(f)(g)(h)			

