

Annual Performance Report

Bureau of Indian Education

FFY 2011



Bureau of Indian Education

February 15, 2013

Revised Clarification 5/17/2013

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Annual Performance Report—FFY 2011
(2011-2012)
Bureau of Indian Education
Submitted February 15, 2013
(Resubmitted May 17, 2013)

Introductory Statement

During SY 2011-2012, 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 BIE'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 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 172 elementary and secondary schools, located on 64 reservations in 23 states. Of these, 59 are BIE-operated and 113 are Tribally-operated under BIE contracts or grants. 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 24-25, 2013 in Albuquerque, New Mexico, 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.

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

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

Data links:

SPP & APR

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

Report Cards

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

Index

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

APR Template – Part B

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State

Part B State Annual Performance Report (APR) for 2011

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

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

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

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

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

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

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

Actual Target Data for 2011:

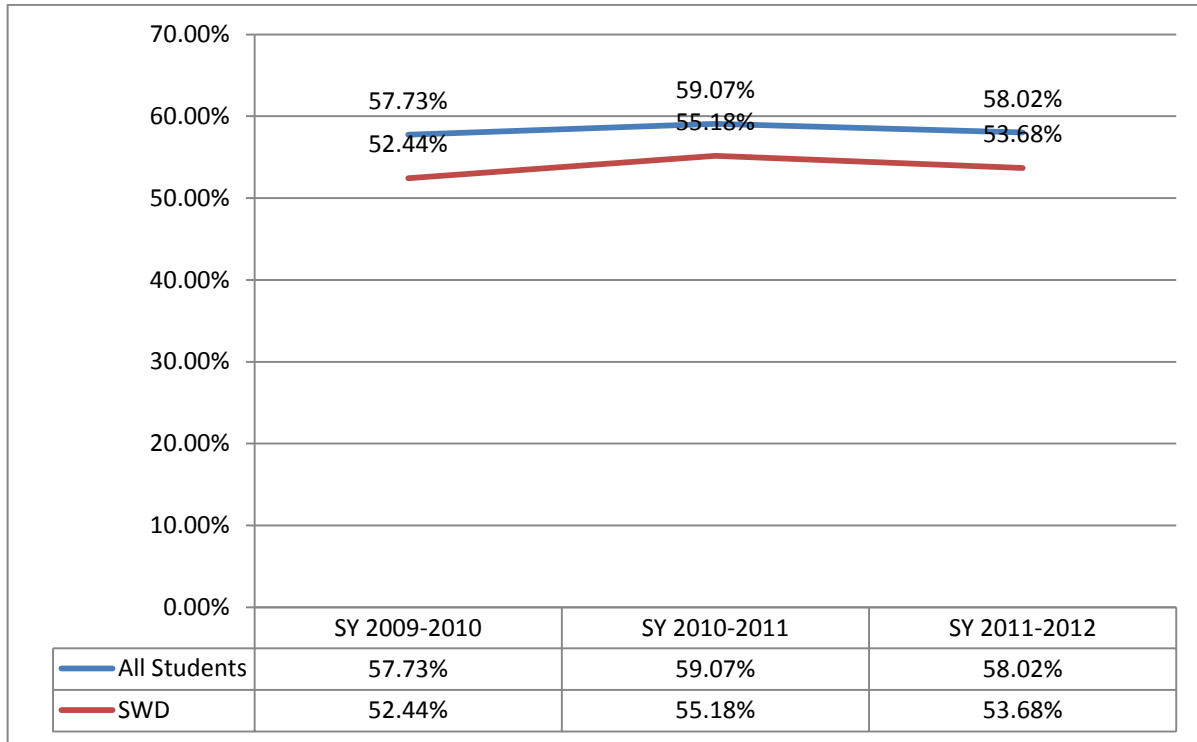
BIE did not meet the target.

In SY 2011-2011, the BIE had a graduation rate of 53.68% for students with disabilities, as compared with 55.18% in SY 2010-2011 for students with disabilities. This represents a decrease of 1.50%, resulting in BIE not meeting its target. The targeted increase was .5% greater than the prior year. In order to meet the target for this year, the BIE needed to meet or exceed a graduation rate of 55.68%. According to the data listed in Table 1 below, the BIE did not meet its identified target for this FFY.

APR Template – Part B

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Figure 1: BIE Graduation Rates: All Students and Students with Disabilities (SWD).



The target data and targets listed in the APR are aligned with the targets listed in the SPP. The 2012 SPP target has also been revised to reflect improvement.

Table 1: Graduation SY 2011-2012

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

APR Template – Part B

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State

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

ACTIVITY	STATUS
1. Offer WebEx training to all schools throughout the school year on special education topics including secondary transition services.	WebEx training was conducted in SY 2011-2012 with a session on Secondary Transition requirements and issues.
2. Distribute Secondary Transition Newsletter to all schools showcasing successful programs and information on resources and best practices.	In FFY 2011, newsletters were disseminated to BIE schools and stakeholders.
3. Conduct desk audit file reviews of IEPs for students 16 years and older using the Native American Student Information System (NASIS) Special Education Module. Targeted technical assistance to schools may result from this process.	Desk Audit of Transition Plans was completed in the Fall of 2011.
4. Offer on-going technical assistance in transition requirements to schools on use of NASIS special education module. Regularly scheduled training on updates and the use of the special education module in NASIS.	NASIS training is conducted on request for schools and was offered during the Administrative Training Conferences in Spring 2012. Training includes secondary transition and what is required for the desk audit process.
5. National Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	The BIE Special Education Academy was not held in the Fall of 2011. However, presentations on Special Education topics were conducted at the BIE Summer Institute in Denver in June 2012.
6. Regional work sessions with schools on AYP calculation and data analysis.	Work sessions were completed during July – September of 2011. DPA special education staff attended the sessions, along with staff from the BIE Data Unit. The team provided technical assistance to the schools AYP determination including graduation as applicable to the AYP.
7. Design and implement effective dropout prevention and graduation models and practices.	January 2011-December 2013. Training was conducted by National Dropout Prevention Center for Students with Disabilities (NDPC-SD) for 13 schools (Cohort I) during August-November 2012. Cohort II training will begin in Spring 2013.

APR Template – Part B

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State

Part B State Annual Performance Report (APR) for 2011

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

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

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

FFY	Measurable and Rigorous Target
2011 (2011-2012)	The drop-out rate of students with disabilities attending BIE funded High Schools will not exceed 9.0%

Actual Target Data for 2011:

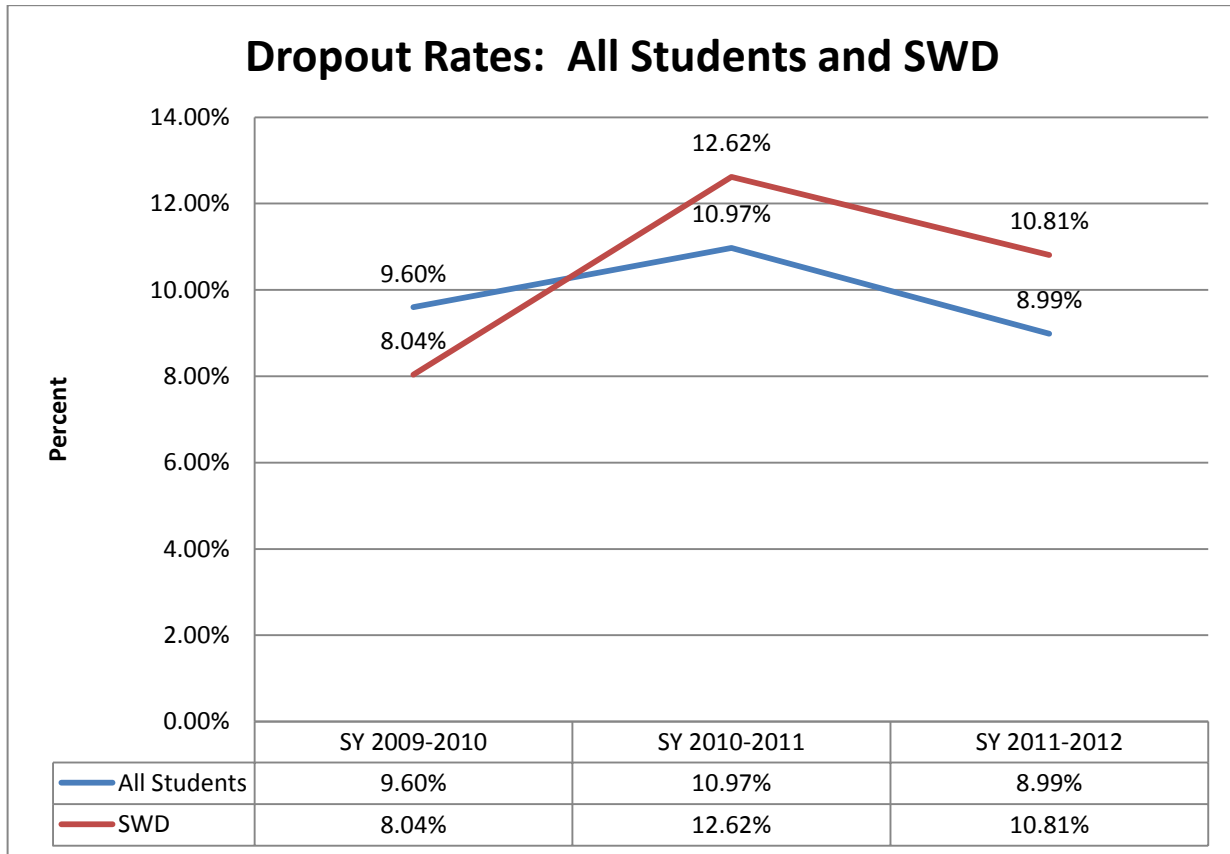
Table 2: Dropouts SY 2011-2012

	2010-2011	# of Dropouts (DO)	Rate of Dropout	2011-2012	# of Dropouts (DO)	Rate of Dropout	Gain/Slippage
All Students	13,017	1,428	10.97%	12,494	1153	8.99%	BIE made progress from previous year.
Students with Disabilities	1,624	205	12.62%	1,330	149	10.81%	BIE did not meet identified target.

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

The dropout rate for students with disabilities for SY 2011-2012 was 10.81%, whereas the target was 9.0%. The dropout rate decreased from the previous year. Nevertheless, the BIE fell short of meeting the target by 1.81%.

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



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

In SY 2009-2010, 17 schools reported 0% dropout rate for SWD, as compared with 19 schools who reported 0% in SY 2010-2011. In SY 2011-12, 27 schools reported 0% dropout rate for SWD. Of these schools, six schools reported 0% for three school years (SY 2009-2010, SY 2010-2011, and SY 2011-2012): Lac Courte Oreilles Ojibwa School, Meskwaki Settlement School, Nay Ah Shing School, Sherman Indian School, and Shiprock Northwest School. Navajo Preparatory had a 0% dropout rate for all students; they had no SWD in SY 2010-2011.

Of the 60 high schools, 37 schools reported a dropout rate of ≤ 9% for SY 2011-12. Twelve schools had a dropout rate between 9.01% to 20.00%. Eleven schools had a dropout rate greater than 20.00%.

Schools will be expected to conduct a root cause analysis especially when there are shifts of greater than 10%, both positive and negative. Root Cause analyses were not conducted in this reporting period.

APR Template – Part B

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

ACTIVITY	STATUS
1. Offer WebEx training to all schools throughout the school year on special education topics including secondary transition services.	WebEx training was conducted in SY 2011-2012 on secondary transition requirements and issues.
2. Distribute Secondary Transition Newsletter to all schools showcasing successful programs and providing information on resources and best practices.	In FFY 2011, newsletters were disseminated to schools and stakeholders with information specific to dropout prevention programs.
3. Conduct desk audit IEP file reviews for students 16 years and older using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Desk Audit of Transition Plans was completed in the Spring of 2011 and Fall of 2012. Beginning SY 2011-2012, desk audit was conducted the fall of each year.
4. Offer on-going technical assistance in transition requirements to schools in the use of the NASIS special education module. Regularly scheduled trainings on updates and the use of NASIS special education module.	NASIS training is conducted on request for schools and was offered during the Administrative Training Conference in Spring 2012. Training included secondary transition and desk audit process requirements. Further training and technical assistance will be offered in areas of transition that represent the greatest challenges. Training will be offered at regional locations.
5. National Special Education Academy for all schools on a variety of topics as determined by annual data reviews and analysis.	The BIE Special Education Academy was not held in the Fall of 2012. However, presentations on Special Education topics were conducted at the BIE Summer Institute in Denver in June 2012.
6. Offer regional work sessions with schools on AYP calculation and data analysis.	Work sessions were completed during July–September of 2011. DPA special education staff attended these sessions, along with the Data unit and offered technical assistance to the schools as needed in the area of dropout data as applicable to AYP determination.
7. Design and implement effective dropout prevention and graduation models and practices.	January 2011-December 2013. Training was conducted by National Dropout Prevention Center for Students with Disabilities (NDPC-SD) for 13 schools (Cohort I) during August-November 2012. Cohort II training will begin in Spring 2013.

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

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

C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

Targets and Actual Target Data for FFY 2011:

3a--The data is not available until the BIE can get clarification from OSEP and guidance from the Office of Secondary Education (OSE) on whether the Northwest Evaluation Association (NWEA) assessment data can be used or not. If so, the scores can be converted. If not, the report will not reflect the 54 New Mexico schools that were not tested.

3b &c-- All students were assessed using the state assessments or Northwest Evaluation Association (NWEA) assessment scores. Therefore, the tables in 3a and 3b include NWEA scores.

APR Template – Part B

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Districts with a disability subgroup that meet the State’s minimum “n” size AND met the State’s *Disaggregated Target Data for Math Participation:*

Disaggregated Data for Reading/Language Arts:

N/A indicates that no responsive assessment occupies this cell, so the calculation is “Not Applicable.”

3.B – Actual Performance Target Data for FFY 2011

FFY	Measurable and Rigorous Target
2011 (2011-2012)	96%

Participation in Mathematics Assessment Indicator: Met (98.96%)

All students were assessed using the state assessments or Northwest Evaluation Association (NWEA) assessment scores. Therefore, the tables below include NWEA scores.

The BIE achieved significant improvements in assessing Students with Disabilities in mathematics during FFY 2011, achieving a gain of 5.81% over FFY 2010 (93.15% assessed). While some of the appreciable gain is likely due to improvements in data collection and reporting, activities undertaken by the Special Education Program stressed to schools the importance of properly assessing all Students with Disabilities according to their IEPs in grade levels covered by the accountability system.

	Tested	Not Tested					Total
	Yes	Sub-Total	Absent	Medical	Parental	Other	
G3	99.28%	0.72%	0.36%	0.00%	0.00%	0.36%	100%
	549	4	2	0	0	2	553
G4	99.27%	0.73%	0.00%	0.00%	0.18%	0.55%	100%
	541	4	0	0	1	3	545
G5	99.24%	0.76%	0.19%	0.00%	0.00%	0.57%	100%
	520	4	1	0	0	3	524
G6	98.89%	1.11%	0.19%	0.37%	0.00%	0.56%	100%
	534	6	1	2	0	3	540
G7	98.80%	1.20%	0.20%	0.00%	0.20%	0.80%	100%
	492	6	1	0	1	4	498
G8	97.96%	2.04%	0.61%	1.02%	0.00%	0.41%	100%
	481	10	3	5	0	2	491
HS	99.24%	0.76%	0.51%	0.00%	0.00%	0.25%	100%
	390	3	2	0	0	1	393
Total	98.96% 3507	1.04%	0.28%	0.20%	0.06%	0.51%	100%
		37	10	7	2	18	3544

APR Template – Part B

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Participation in Reading/Language Arts Assessment Indicator: Met (98.96%)

All students were assessed using the state assessments or Northwest Evaluation Association (NWEA) assessment scores. Therefore, the tables below include NWEA scores.

The BIE also saw gains in Reading/Language Arts assessment from FFY 2010 (98.25%) to FFY 2011 (98.96%), 0.71% in total.

Special Education Student Participation in Reading Assessment

	Tested Yes	Not Tested				Total	
		Sub-Total	Absent	Medical	Parental		Other
G3	99.09% 547	0.91% 5	0.36% 2	0.00% 0	0.00% 0	0.54% 3	100% 552
G4	99.45% 539	0.55% 3	0.00% 0	0.00% 12, 0	0.18% 1	0.37% 2	100% 542
G5	99.04% 518	0.96% 5	0.38% 2	0.19% 1	0.00% 0	0.38% 2	100% 523
G6	98.89% 534	1.11% 6	0.19% 1	0.37% 2	0.00% 0	0.56% 3	100% 540
G7	99.00% 494	1.00% 5	0.00% 0	0.00% 0	0.20% 1	0.80% 4	100% 499
G8	98.17% 482	1.83% 9	0.41% 2	1.02% 5	0.00% 0	0.41% 2	100% 491
HS	98.99% 392	1.01% 4	0.25% 1	0.25% 1	0.00% 0	0.51% 2	100% 396
Total	98.96% 3506	1.04% 37	0.23% 8	0.25% 9	0.06% 2	0.51% 18	100% 3543

Reasons for Not Testing

Among the students not assessed for “Other Reasons,” some schools indicated that they were not able to assess the students according to their IEPs, which specified the use of an alternate assessment aligned to alternate or modified standards. These schools missed the ordering deadline for these assessments.

Other schools indicated that students had transferred during the testing window, and, therefore, were not assessed. However, by BIE rules for accountability, these students were enrolled at the school during the testing window and should have been assessed. These students were identified as not tested.

One other school had students that were assessed prior to enrolling at their school during the testing window, and, therefore, were not assessed.

Lastly, one school reported that they gave a student out-of-grade-level assessments in mathematics and reading. The results were scored as “basic” in both subjects, and the student was counted as not having participated in the assessments for AYP purposes.

3.C – Actual Performance Target Data for FFY 2011

FFY	Measurable and Rigorous Target
2011 (2011-2012)	Increase the amount of students with disabilities achieving at the proficient or higher level by 0.5% based upon the previous year's percentage. FFY 2010 achievement levels were 16.5% for Mathematics and 18.4% for Reading/Language Arts. Therefore, the FFY 2011 targets are 17.0% for Mathematics and 18.9% for Reading/Language Arts.

Mathematics: Indicator Met (Target: 17.0%; Achievement: 17.0%)

All Assessments	Mathematics							
	03	04	05	06	07	08	HS	Total
Basic	74.68%	80.96%	84.62%	83.90%	88.21%	84.82%	84.62%	82.92%
	410	438	440	448	434	408	330	2908
Proficient	23.86%	17.74%	14.04%	14.79%	10.57%	12.27%	14.10%	15.54%
	131	96	73	79	52	59	55	545
Advanced	1.46%	1.29%	1.35%	1.31%	1.22%	2.91%	1.28%	1.54%
	8	7	7	7	6	14	5	54
Total	100%	100%	100%	100%	100%	100%	100%	100%
	549	541	520	534	492	481	390	3507
Proficient + Advanced	25.32%	19.04%	15.38%	16.10%	11.79%	15.18%	15.38%	17.08%
	139	103	80	86	58	73	60	599

Reading/Language Arts: Indicator Not Met (Target: 18.9%; Achievement: 17.43%)

All Assessments	Reading/Language Arts							
	03	04	05	06	07	08	HS	Total
Basic	82.63%	82.19%	84.75%	81.46%	83.00%	84.02%	79.34%	82.57%
	452	443	439	435	410	405	311	2895
Proficient	16.09%	16.14%	13.51%	16.10%	15.38%	13.69%	17.09%	15.40%
	88	87	70	86	76	66	67	540
Advanced	1.28%	1.67%	1.74%	2.43%	1.62%	2.28%	3.57%	2.03%
	7	9	9	13	8	11	14	71
Total	100%	100%	100%	100%	100%	100%	100%	100%
	547	539	518	534	494	482	392	3506
Proficient + Advanced	17.37%	17.81%	15.25%	18.54%	17.00%	15.98%	20.66%	17.43%
	95	96	79	99	84	77	81	611

For SY 2011-2012: Students receiving Special Education services saw a decline in the area of Reading/Language Arts from 18.36% in school year 2010-2011 to 17.43% in school year 2011-2012. The same students achieved slightly higher in Mathematics, up to 17.08% from 16.51% in school year 2010-2011.

It is not clear why the advance in Mathematics and decline in Reading/Language Arts are observed in the same testing cycle. Special Education students tend to have a larger gap with their non-disabled peers in the area of Mathematics, so the improvement is welcome. However, the decline in Reading/Language Arts scoring is troublesome.

APR Template – Part B

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An increase in the achievement gap was observed in both Mathematics and Reading/Language Arts. Considering that students with disabilities are included in the “All Students” group, it is important to note that non-disabled students achieve proficiency on assessments at double the rate of students with disabilities. The data includes NWEA assessment scores.

Mathematics

	SY2010-11	SY2011-12	Trend
Special Education	16.51%	17.08%	0.57%
All Students	32.81%	35.54%	2.73%
9Gap	16.30%	18.46%	2.16%

Reading/Language Arts

	SY2010-11	SY2011-12	Trend
Special Education	18.36%	17.43%	-0.93%
All Students	41.37%	41.97%	0.60%
Gap	23.01%	24.54%	1.53%

APR Template – Part B

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State

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011: Target was met.

ACTIVITY	STATUS
Regional training for Associate Deputy Directors (ADDs) and Education Line Officers on Accommodations and Modifications needed to increase the achievement level of SWD.	This activity will be offered as appropriate throughout SY 2012-2013 upon request from ADD/ELO district offices.
Invite BIE program managers to attend special education staff meetings to present current projects/programs.	This activity will continue throughout SY 2012-2013. The activity promoted coordination and maximize resources necessary for increased student achievement.
The BIE Data Unit offers regional work sessions with schools on AYP calculation and data analysis.	This activity will continue throughout SY 2012-2013. The activity provided an opportunity for schools and BIE-DPA to evaluate and proof data and AYP calculations for accurate and timely reporting.

ACTIVITY	TIMELINE	RESOURCES
BIE program managers will be invited to attend special education staff meetings to present current projects and programs in efforts to promote coordination and maximize resources necessary for increased student achievement (e.g., Reading & Math, Title Programs).	A minimum of 2 times per year	BIE program managers
BIE Data Unit offers regional work sessions with schools on AYP calculation and data analysis.	Summer and fall of each year	BIE data unit

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

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

Measurement:

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

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

Definition of Significant Discrepancy:

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

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

Overview of Issue/Description of System or Process:

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

The data is pulled from the NASIS after the close of the data year (June 30). The data unit works with schools to correct any data entry problems found and a final retrieval is completed in October. A significant discrepancy is defined as having a rate of suspensions/expulsions greater than 10 days that is two times the average for the BIE. For this determination, a rate is calculated for schools that have no high school grades (elementary schools) and a separate rate is calculated for schools that do have high school grades (high school).

APR Template – Part B

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State

Actual Target Data for FFY 2011 (using 2010-2011 data)

FFY	Measurable and Rigorous Target
FFY 2011 <i>(2010-2011 data)</i>	No more than 2 BIE High Schools or 5 BIE Elementary Schools will report suspensions and expulsion rates greater than 2 times the BIE average for that group of schools.

BIE **met** identified target with elementary school data.

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

The actual high school and elementary data for FFY 2011 is reported in Tables 1 and 2 below.

High School Suspension and Expulsion > 10 Days data:

The BIE has five of 60 high schools in the high school group with an “n” size of less than 20

The BIE has 60 high schools with an average suspension and expulsion rate of 3.04%. The significant discrepancy is defined as 2 times the high school average, $3.04\% \times 2 = 6.08\%$. The high schools listed in Table 1 below represent 10 of 60 (16.66%) high schools that had a rate of suspension/expulsion of students with disabilities greater than 2 times the BIE average.

The Yakama Nation Tribal School and Tohono O’odham High School are identified as having a rate of suspension and expulsion of students with disabilities greater than 2 times the BIE average. The two schools are highlighted with an asterisk due to the small “n” size of less than 20 students with disabilities. The BIE has determined that an “n” size below 20 may yield data of limited reliability. An individual incident of suspension and suspension can have a significant effect on their suspension/expulsion rate.

There were no schools in the high school group that exceeded 2 times the BIE average that had a single incidence of suspension and expulsion.

APR Template – Part B

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State

Table 1: High Schools with Significant Discrepancy (2 x BIE Average = 6.08%)

School	Grade	Grant or BIE	Students with OSS >10 days	SWD Count	Rate S/E > 10 days
Standing Rock Community	K-12	Grant	10	150	6.67%
Crazy Horse	K-12	Grant	4	58	6.90%
Turtle Mountain High	9-12	Grant	6	85	7.06%
Chief Leschi	K-12	Grant	9	111	8.11%
Dishchii' Bikoh	K-12	Grant	6	59	10.17%
Pine Ridge	K-12	BIE	13	127	10.24%
Crow Creek Reservation High	6-12	Grant	3	28	10.71%
Fond du Lac Ojibwe	K-12	Grant	12	71	16.90%
Yakama Nation Tribal*	9-12	Grant	4	14	28.57%
Tohono O'odham High*	9-12	BIE	6	18	33.33%

Note: * small "n" size < 20 students

Elementary School Suspension and Expulsion > 10 Days data:

The BIE has 40 schools in the elementary school group with an "n" size of less than 20.

The BIE has 113 elementary schools. The average suspension and expulsion rate is 0.73%. The significant discrepancy is defined as 2 times the Elementary School average, $0.73 \times 2 = 1.46\%$. There were no elementary schools with "n" sizes below 20 that were identified in the group with a significant discrepancy.

Table 2: Elementary Schools with Significant Discrepancy (2 x BIE Average = 1.46%)

School	Grade	Grant or BIE	Students with OSS >10 days	SWD Count	Rate S/E > 10 days
Tuba City Boarding	K-8	BIE	3	123	2.44%
Turtle Mountain Middle	6-8	Grant	3	58	5.17%
JKL Bahweting Anishnabe	K-8	Grant	2	36	5.56%
Shonto Preparatory	K-8	Grant	2	36	5.56%

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Table 3: Elementary Schools with Single Incidents of Suspension/Expulsion

School	Grade	Grant or BIE	Students with OSS > 10 days	SWD Count	Rate S/E > 10 days
Lummi Tribal	K-6	Grant	1	61	1.64%
T'iis Ts'ozi Bi'olta	K-8	BIE	1	56	1.76%
Enemy Swim Day	K-8	Grant	1	47	2.13%
Menominee Tribal	K-8	Grant	1	45	2.22%
Ojibwa Indian	K-8	Grant	1	40	2.50%
Crow Creek Sioux Tribal Elem	K-5	Grant	1	39	2.56%
Paschal Sherman Indian	K-9	Grant	1	38	2.63%
First Mesa Elementary	K-6	BIE	1	33	3.03%
Laguna Middle	6-8	Grant	1	31	3.23%
Santa Rosa Day	K-8	BIE	1	31	3.23%
Second Mesa Day	K-6	Grant	1	28	3.57%
Choctaw Central Middle	7-8	Grant	1	26	3.85%
Kaibeto Boarding	K-8	BIE	1	25	4.00%
Tonalea	K-8	BIE	1	22	4.55%

There were 18 of 113 (15.92%) elementary schools that had a rate of suspension/expulsion of students with disabilities greater than 2 times the BIE average. Table 2 above lists the 4 of 113 (3.53%) elementary schools that had more than one incidence of suspension or expulsion. Table 3 lists 14 of 113 (12.39%) elementary schools that had only a single incidence of suspension or expulsion that exceeded 2 times the BIE average. However, they are not included in the group of schools identified to have a significant discrepancy. The BIE has 40 elementary schools with an “n” size less than 20. No school in the elementary school group with an “n” size less than 20 was identified as a school with significant discrepancy of suspension and expulsion.

Schools with Significant Discrepancy in Rates for Suspension and Expulsion

Year	Total Number of Schools	Number of Schools with Significant Discrepancies	Percentage
FFY 2011 (using 2010-2011 data)	60	10 high schools	16.67%
FFY 2011 (using 2010-2011 data)	113	4 elementary schools	3.54%

Review of Policies, Procedures, and Practices (completed in FFY 2011 using 2010-2011 data): If any Schools are identified with significant discrepancies:

- a. Describe how the State reviewed policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with IDEA. The failure of the State to conduct this review is noncompliance with 34 CFR §300.170(b). The State should have completed this review by June 30, 2012;

The schools in both categories with more than a single incidence of suspension or expulsion were notified and upon request they provide the following:

- School policies, procedures and practices relating to development and implementation of IEPs,
- Positive Behavioral Interventions and Supports,
- Procedural Safeguards examples, and
- File review for each student with disabilities who was suspended for greater than 10 days

All schools with more than a single incidence of suspension or expulsion provided the requested documentation. The BIE reviewed the documents provided and all schools were determined to be in compliance with regulatory requirements 34 CFR §300.530. Additionally, the BIE examined documentation in the NASIS to ensure that schools were correctly entering the data. This is important in the aggregation of data to determine if a student has, indeed, been suspended for 10 days.

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

The review process described in part “a” of this section resulted in no findings of noncompliance.

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

A review was conducted on the schools identified as having a significant discrepancy in the rate of suspension and expulsion. The process included a review of:

- School policies, procedures and practices relating to development and implementation of IEPs,
- Positive Behavioral Interventions and Supports,
- Procedural Safeguards examples, and

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- File review for each student with disabilities who was suspended for greater than 10 days

The review showed schools were in compliance. Thus, no revisions were necessary to their procedures, policies and practices relating to the development of IEPs, the use of positive behavioral interventions and supports and procedural safeguards.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2011¹:

ACTIVITY	STATUS
Offer a variety of topics at the National Special Education Academy for all schools as determined by annual data reviews/analysis	The Special Education Academy was not held in 2012.
BIE Summer Institute	The Summer Institute of 2012 was held and attendees had the opportunity to participate in numerous sessions (e.g., behavior, behavioral RTI, classroom management, suspension and expulsion for SWD).
Offer training in discipline of students with disabilities and NASIS data entry for school personnel.	This activity will continue during the SY 2012-2013. Scheduled webinar trainings offered during SY 2011-2012 with a session on Classroom Behavior Management Practices. NASIS data entry training classes were also offered.
Offer Local School Performance Plan (LSPP) feedback to schools on their improvement activities to reduce incidents of suspensions and/or expulsion.	This activity will continue during the SY 2012-2013. Schools have implemented improvement strategies to reduce incidents of suspensions and/or expulsion to meet the Indicator 4a target.
Implement the BIE Self-Assessment Tool: Long-Term Suspension / Expulsion Rates	The tool will continue to be used during the SY 2012-2013. The tool is available for schools and identifies potential areas in need of improvement related to significant discrepancy of suspension and expulsion rates for SWD. The tool assists schools in revising policies, practices and procedures as necessary to assure IDEA compliance.
Offer training to schools on the impact of parent participation in their child's IEP decision making process.	This activity will continue during the SY 2012-2013. Schools are distributing the Schools Efforts to Partner with Parents Scale (SEPPS) to parents and many parents returned the survey in a timely manner. The information gathered evaluates the parents'

¹ In an effort to reduce reporting burden, in the FFY 2011 APR, States: 1) Are not required to provide an explanation of: a) progress; b) no change in actual target data from the data for FFY 2010; or c) slippage if the State meets its target. 2) Are not required to discuss improvement activities for: a) compliance indicators where the State reports 100% compliance for FFY 2011; and b) results indicators where the State has met its FFY 2011 target. 3) May provide one set of improvement activities for the entire APR as long as the Improvement Activities are indexed back to reference the relevant indicators.

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	perception of their children’s special education program.
Offer training on new NASIS form titled: <i>BIE Student File Review: Students with Disability Having Suspension or Expulsion Greater than 10 Days in a School Year</i>	Training has been offered to schools and the implementation of the tool will continue in SY 2012-2013. The tool is available for use by downloading from the BIE website. The tool was added as a form to the NASIS Special Education Module in November 2011. The document assists schools in the review of a student’s individual IEP file in assurance of IDEA discipline procedural safeguard compliance when a change of placement occurs by way of suspension or expulsion for > 10 school days in a school year.
Offer information on positive behavior intervention strategies for all students as requested by school or education line office.	This activity will continue during SY 2012-2013. Schools are utilizing or exploring the school-wide positive behavior intervention strategies.

Explanation of Progress or Slippage:

Table 4: Schools with 2 times the BIE average of suspension or expulsion > 10 days for SWD

Group	FFY 2009	Target	FFY 2010	Target	FFY 2011	Target
High School	11	3	13	2	10	2
Elementary School	8	6	6	5	4	5

The number of elementary and high schools with a significant discrepancy decreased between FFY 2010 and FFY 2011 and can be attributed to the following:

- Each school develops a Local School Performance Plan (LSPP) to assist the school in determining improvement activities to meet the measurable target for Indicator 4. The implementation of these improvement activities in the area of behavior addressed continuous improvement in the reduction of suspensions and expulsions for students with disabilities.
- The schools were provided with opportunities to attend training on classroom management, behavioral RTI and appropriate implementation of Positive Behavioral Supports and Interventions at the 2012 BIE Summer Institute and through webinars conducted throughout the school year.

Correction of FFY 2010 Findings of Noncompliance *Do not report on the correction of noncompliance unless the State identified noncompliance as a result of the review required by 34 CFR §300.170(b).*

In previous APR submissions, the BIE failed to conduct the review required in 34 CFR §300.170(b) and is addressed in section, *Additional Information Required for the OSEP APR Response Table for this Indicator.*

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1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011) using 2009-2010 data	1
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the School of the finding)	1
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	N/A
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	N/A

Actions Taken if Noncompliance Not Corrected:

Not Applicable

Verification of Correction (either timely or subsequent):

The schools identified with significant discrepancy of suspension or expulsions were notified and it was requested that they provide the following:

- School policies, procedures and practices relating to development and implementation of IEPs,
- Positive Behavioral Interventions and Supports,
- Procedural Safeguards examples, and
- File review for each student with disabilities who was suspended for greater than 10 days

In accordance with OSEP Memo 09-02, the BIE ensured correction of each individual items of noncompliance and ensured the implementation of the specific regulatory requirements. The BIE reviewed the documents provided by the schools. Additionally, the BIE examined documentation in the NASIS to ensure that schools were entering the data correctly. One school was determined to be in noncompliance with regulatory requirements 34 CFR §300.530.

The written notification for SY 2009-2010 was issued on January 16, 2013. This data is consistent with what is reported in the quarter PIAP report dated March 30, 2013. The one finding was verified corrected within one year of notification on January 17, 2013. The school provided by scan/upload to the NASIS:

- Documentation of the Manifestation Determination, Functional Behavioral Assessments and Behavioral Intervention Plan in the NASIS for one identified student.
- Completion of the “*Student File Review for Students with Disabilities who have been Suspended or Expelled for Greater Than 10 Days in a School Year*” document in the NASIS for one identified student.

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The update data review of NASIS documentation showed the school was in compliance. Thus, no revisions were necessary to their procedures, policies and practices relating to the development of IEPs, the use of positive behavioral interventions and/or supports and procedural safeguards. Additional incidents of suspension and expulsion were reviewed for appropriate regulatory implementation. No instance of inappropriate discipline of students with disabilities was noted. The school was issued a written notification of close-out of the noncompliant finding.

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

Not Applicable.

1. Number of remaining findings made during FFY 2009 (in the period from July 1, 2009 – June 30, 2010 using 2008-2009 data), noted in OSEP's June 1, 2012 FFY 2010 APR response table for this indicator	N/A
2. Number of remaining FFY 2009 findings the State has verified as corrected	N/A
3. Number of remaining FFY 2009 findings the State has NOT verified as corrected [(1) minus (2)]	N/A

Correction of Any Remaining Findings of Noncompliance from FFY 2008 or Earlier (if applicable):

Not Applicable.

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

Statement from the Response Table	State's Response
The failure to conduct the review required in 34 CFR §300.170(b) is noncompliance. In the FFY 2011 APR, the BIE must report correction of this noncompliance by describing the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with the IDEA, for schools identified with significant discrepancies in the FFY 2010 based on 2009-2010 data as required in 34 CFR §300.170(b).	<p>For SY 2009-2010, 13 high schools and 6 elementary schools were found to have 2 times the BIE average in suspensions and expulsions greater than 10 days for students with disabilities.</p> <p>The BIE requested that each of the schools provide the policies, procedures and practices for SY 2009-2010 relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The BIE reviewed the submitted documentation from the 13 high schools and 6 elementary schools that had a significant discrepancy to ensure that they are in compliance with the IDEA.</p> <p>Upon a review of the documentation received from schools, one school was found to be non-compliant with regulatory requirements. A letter of findings of</p>

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	<p>noncompliance was issued to this school and they will have one year from the date of issuance to correct the noncompliance. While this school was given a year to correct the noncompliance, they were able to correct it immediately and verification of corrections was made by reviewing updated data and accomplished on January 17, 2013. Therefore, the one finding was timely corrected consistent with OSEP Memo 09-02.</p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable):

Not Applicable.

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

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

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

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

Measurement:

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

Source: 618 data – Table 3.

Overview of Issue/Description of System or Process:

The data is collected for this indicator via the NASIS Special Education Module. 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, BIE can retrieve that information by student, by school or by aggregated data across the entire BIE.

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Table 1: FFY 2011 Environments Distribution

Category	Ages 6-21	Percentage	Target
A. Regular Class \geq 80%	4,779	75.93%	74.83% (met)
B. Regular Class \geq 40%	1,038	16.49%	N/A
C. Regular Class < 40%	410	6.51%	6.02% (not met)
D. Separate School	8	0.13%	
E. Residential Facility	38	0.60%	0.98% (not met)
F. Homebound/Hospital	16	0.25%	
G. Correctional Facilities	5	0.08%	N/A
H. Parentally Placed in Private Schools	0	0.00%	NA
TOTAL	6,294	100%	One third targets met

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

FFY	Measurable and Rigorous Target
2011	<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 style="text-align: center;">Target Goal (74.83%)</p> <p style="text-align: center;">(74.08% + .75% = 74.83%)</p>

BIE **met** identified target.

The 618 data showed a **1.81% increase** for FFY 2011. 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 provided training to general education and special education staff in instructional delivery of educational curriculum.

Inside the regular class 80% or more of the school day (ages 6-21)	
FFY 2011	75.93%
FFY 2010	74.08%
FFY 2009	71.16%

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

FFY	Measurable and Rigorous Target
2011	<p>Show at least 0.5% decrease in the numbers of students receiving appropriate special education services inside the regular class less than 40% of the day.</p> <p style="text-align: center;">Target Goal (6.02%)</p> <p style="text-align: center;">(6.34 - .317 = 6.02%)</p>

BIE **did not meet** identified target.

The 618 data showed a **0.17% increase** for FFY 2011. BIE has generally demonstrated progress since FFY 2007 in decreasing the number of students receiving appropriate special education services inside the regular class less than 40% of the day. 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 2011	6.51%
FFY 2010	6.34%
FFY 2009	7.32%

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

FFY	Measurable and Rigorous Target
2011	No more than 0.65% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings.

BIE **did not meet** identified target.

The 618 data showed a **0.14% decrease** for FFY 2011. Based on the needs of the students, the BIE must consider service delivery environments that are outside of the school the student attends. The BIE percentage of students served in separate schools and/or residential placements (0.98%) is far below the national mean average of all States of 3.8% (SPP/APR 2011 Indicator Analyses). As the observed trend remains low for these placements, BIE 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.

Private or Separate Schools, Residential Placements, and Homebound/Hospitals (ages 6-21)	
FFY 2011	0.98%
FFY 2010	1.12%
FFY 2009	.98%

Explanation of Progress or Slippage that occurred for FFY 2011:

The 618 data showed a decline in the total number of BIE school-age students with IEPs compared to FFY 2010. BIE numbers of students identified with a disability have decreased slightly since FFY 2009.

Students Identified with Disabilities (ages 6-21)	
FFY 2011	6,294
FFY 2010	6,405
FFY 2009	6,353

The BIE met targets under 5A, but did not meet 5B and 5C targets. During the same period of time, the BIE experienced a 1.7% decline in students with disabilities. It is not unreasonable to expect that decreases in the use of environments external to the school (homebound, hospitals, residential facilities, and separate schools) would lead to an increase in the use of settings in the regular classroom at a rate of less than 40% of the time. The slight increase in students in the <40% category at this point is not evidence of a larger trend, but represents only a 0.17% increase in the category that has declined 2.5% overall since FFY 2006.

As the BIE has improved its use of the regular classroom environment to provide students with disabilities with services for more than 80% of the instructional day, this is evidence that BIE Special Education programs are attentive and responsive to the least restrictive environment requirements for students with disabilities. Over the last six funding cycles ending with FFY 2011, the BIE has improved its 80% category performance by 11%, improving by approximately 2% in each year. While the BIE missed two of the three targets in Indicator 5, the data show that the BIE has steadily improved in all areas for this indicator over the last six years.

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

Students Identified with Specific Learning Disabilities (ages 6-21)	
FFY 2011	3,193
FFY 2010	3,318
FFY 2009	3,426

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Improvement Activities Completed/Continued for FFY 2011:

ACTIVITIES	STATUS
<p>BIE trained school level personnel on both the concept of placements in the least restrictive environment and the data input that will accurately reflect placements in their school.</p>	<p>This activity will continue during the SY 2012-2013. The level of SWD in the general education classroom >80% has increased, and the level of SWD in the general education classroom <40% has increased. The level of students who receive services in separate schools, residential placements, in hospital settings or in homebound settings has decreased, but is far below the national mean average of all States of 3.8%.</p>
<p>BIE 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 2012-2013. Scheduled Web Ex trainings occurred throughout SY 2011-2012 with a session on Least Restrictive Environment with particular emphasis with students placed in alternative settings.</p>
<p>BIE provided feedback to the schools on the Local School Performance Plans (LSPP) improvement activities.</p>	<p>This activity will continue during the SY 2012-2013. Seventy-five percent of the schools wrote improvement activities for implementation.</p>
<p>BIE 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 2012-2013. The Schools' Efforts to Partner with Parents Scale showed 40% of the parents completing the survey indicated the school facilitated their involvement.</p>
<p>BIE provided training to schools and line offices on the RTI process for all students.</p>	<p>This activity will continue during the SY 2012-2013. BIE funded schools are utilizing or exploring the utilization of the RTI process. The identification of students with Specific Learning Disability has decreased as more schools implement RTI and practice research-based instructional delivery methods.</p>

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Measurable and Rigorous Targets for FFY 2012:

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

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

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

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

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

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

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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
Offer WebEx trainings on Least Restrictive Environment related topics (e.g., 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
Offer 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
Offer 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 2011

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (20 U.S.C. 1416(a)(3)(A))

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

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

BIE met the identified target.

Table 1: FFY 2011 Percent of Parents Who Report the School Facilitated Their Involvement (Strongly Agree’ or “Very Strongly Agree’ categories)

	FFY 2011 Data	FFY 2011 Target
Total number of Parent Respondents	4,285 (4,267*)	
Number who reported school facilitated their involvement	1717	
Percentage who reported school facilitated their involvement	40.0%	38.34%

* 4,267 Parent Respondents provided sufficient data to estimate a measure.

Survey Instrument

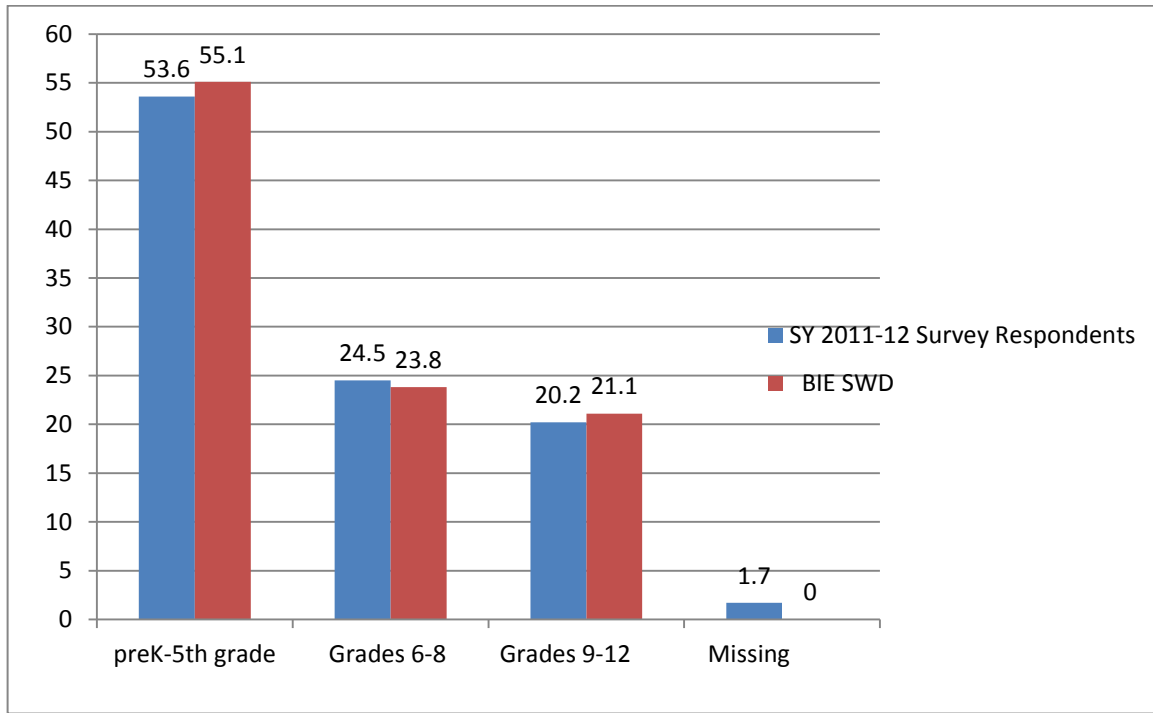
The tool used to measure “the percentage of parents who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities” was the Schools’ Efforts to Partner with Parents Scale (SEPPS). The SEPPS was developed by the National Center for 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 scannable format and distributed to all schools in March 2012.

Representation

Every parent of a student in a BIE school was given the opportunity to complete the survey. Additionally, according to the June 2012 Analysis of Parent Survey Data Addressing Part B SPP/APR Indicator #8, a report prepared for the BIE by Piedra Data Services indicates “a total of 8,214 surveys were distributed to 173 sites; 4,285 surveys were returned from 156 sites for an overall response rate of 52.17%.”

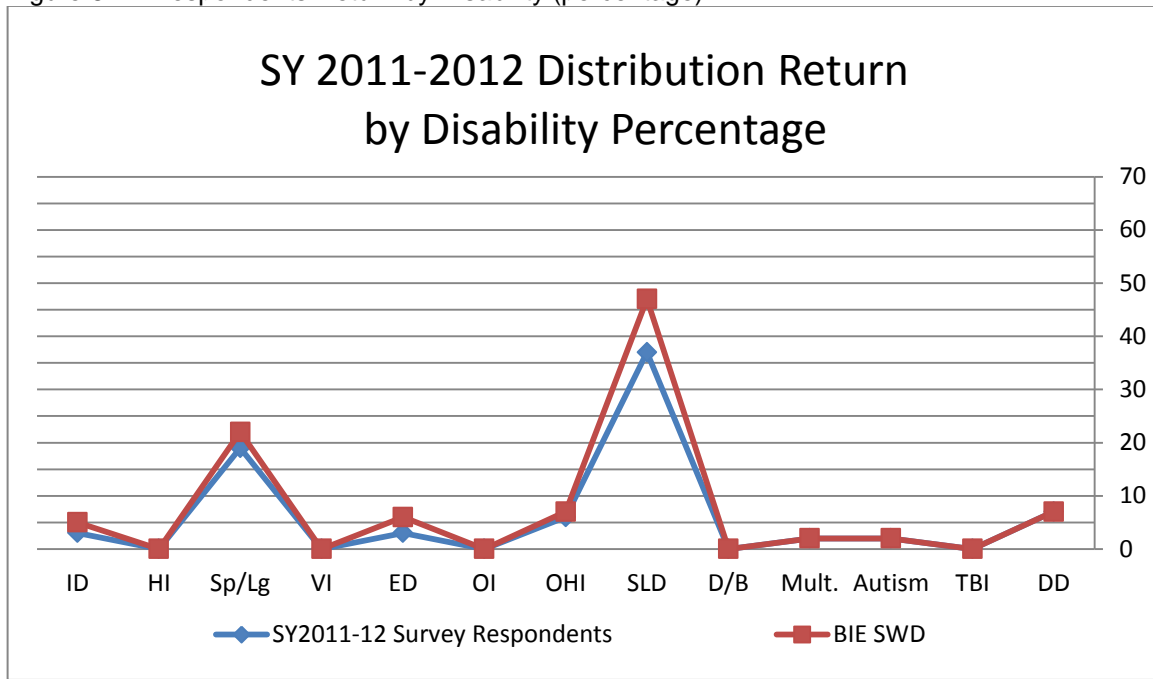
The survey responses were aligned with the grade level distribution of students with disabilities within BIE schools. The following figure represents the survey respondents percentage compared to the BIE SWD count percentage by grade level:

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



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

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



Ethnicity distribution does not apply because the BIE is unitary ethnic group. In summary, the sampling review of 4,267 parents was conducted. The review was reflective of the disability and grade level distribution of the BIE SWD population.

Reliability and Validity

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

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

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

The number of returned surveys exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines found at <http://www.surveysystem.com/sscalc.htm>. The percent of parents who reported that schools facilitated parent involvement, calculated as the percentage of respondents with a SEPPS measure at or above the adopted standard of 600, is 40%. The 95% confidence interval for the sample percentage is 38.7% to 41.7%. This means that there is a 95% likelihood that the true value of the BIE percentage is between 38.7% and 41.7%.

APR Template – Part B

__BIE__
State

Explanation of Progress/Slippage that occurred for FFY 2011:

The survey results data indicated a **4.33% increase** from 38.34 % (FFY2010) to 40.00% (FFY 2011). The increase may be attributed to 90% of the schools' development of SY 2011-2012 Local School Performance Plan (LSPP) improvement activities for parent involvement and is a criteria used in the schools' annual special education level of determination.

Table 2: Parents Who Report the School Facilitated Their Involvement- 3 Year Trend ("Strongly Agree" or "Very Strongly Agree" Categories)

FFY	Total number of Parent Respondents	Number who reported school facilitated their involvement	Percentage who reported school facilitated their involvement	Measurable and Rigorous Target	Progress/Slippage
2009	3,990	1,507	37.77%	33.98%	+12.28%
2010	4,014 (3,988*)	1,529	38.34%	38.15%	+1.51%
2011	4,285 (4,267*)	1,717	40.00%	38.34%	+4.33%

* Parent Respondents provided sufficient data to estimate a measure

Improvement Activities Completed/Continued that occurred for FFY 2011:

ACTIVITIES	STATUS
BIE provided feedback to the schools' LSPP including Indicator 8 improvement activities.	<p>This activity will continue during the SY 2012-2013.</p> <ul style="list-style-type: none"> ▪ Increased the response percentage and number of schools submitting surveys returned by parents from 87.35% to 90.17%, and 152 schools to 156 school sites. <p>Ninety percent of the schools wrote improvement activities in their SY 2011-2012 LSPP for parent involvement.</p>
BIE provided survey results to the individual schools. The schools used the data to evaluate needs of the school for training to increase parent participation in their child's IEP decision making process and to improve activities on the LSPP.	<p>This activity will continue during the SY 2012-2013. Parents reported in the SY 2011-2012 SEPPS a 4.33% increase (strongly agree, very strongly agree) that schools facilitated parent involvement as a means of improving services and results for students with disabilities.</p>

APR Template – Part B

__BIE__
State

Measurable and Rigorous Targets for FFY 2012:

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

Improvement Activities/Timelines/Resources for SY 2012-2013

Activity	Timeline	Resources
Offer feedback to the schools about their LSPP improvement activities as they relate to meeting the BIE Indicator 8 target.	SY 2012-2013	BIE-Funded Schools DPA Special Education Unit
Provide survey results to the individual schools. The schools used the data to evaluate needs of the school for training to increase parent participation in their child's IEP decision making process and improve LSPP improvement activities.	SY 2012-2013	BIE-Funded Schools DPA Special Education Unit BIE Summer Institute Guidance Document

Part B State Annual Performance Report (APR) for FFY 2011

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 received².
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

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

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

FFY	Measurable and Rigorous Target
<i>FFY 2011</i>	100%

Actual Target Data for FFY 2011:

95.66%

BIE **did not meet** identified target.

During FFY 2011, the BIE collected the Indicator 11 data from all schools with academic programs. Data was collected for the 12 month period (July 1, 2011 to June 30, 2012) and desk audits were conducted and verified utilizing NASIS on November 12 -15, 2012. The desk audit is one of the components of BIE’s integrated monitoring activities.

² States are encouraged, but not required, to include in their data for Indicator 11 all children for whom consent to conduct an initial evaluation was received during FFY 2011, whether or not the timeline for completing the evaluation elapsed during FFY 2011. States are further encouraged to describe in their APR how they treated, in their data for Indicator 11, children for whom consent to conduct an initial evaluation was received during FFY 2011, but the timeline for completing the evaluation elapsed after the end of FFY 2011.

APR Template – Part B

__BIE__
State

All schools with academic programs self-reported the initial evaluation using the *Indicator 11 Desk Audit* form and submitted the form to the BIE by September 14, 2012. The BIE reviewed and determined if the data submitted by the schools were initial evaluations utilizing the NASIS to ensure the 60-day timeline had been met for this indicator. The BIE verified the initial evaluation data submitted by the school against the documents in NASIS.

All schools with academic programs were provided advance written notification during the week of April 23-27, 2012 of the desk audit for the purpose of determining compliance of the 60-day timeline to complete initial evaluations. The schools submitted the *Indicator 11 Desk Audit* form which collected the following information:

- NASIS ID number
- Grade
- Parent Consent date
- Eligibility Determination date
- Reason for delay
- Provide Reason
- Number of days past 60-day timeline

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

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

If the BIE found a discrepancy, the BIE contacted the school for clarification (e.g. if the parent consent had a different date than was indicated on the uploaded document). The electronic desk audit forms were made available on the BIE website on May 1, 2012 as well as the link to download the two documents.

Description (optional) of how the State treated, in its data for Indicator 11, children for whom consent to conduct an initial evaluation was received during FFY 2011, but the timeline for completing the evaluation elapsed after the end of FFY 2011.

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

a. Number of children for whom parental consent to evaluate was received	645
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	617
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)	95.66%

The BIE did not meet identified target. As presented in the table above, during FFY 2011, 617 of 645 (95.66%) initial evaluations were completed within the required 60-day timeline. This included initial evaluations that were not completed within the timelines due to allowable exceptions (34 CFR §300.301(d):

- Fifty-seven students' parents repeatedly failed/refused to produce the child for the evaluation, and
- Seven students transferred during the 60-day timeline.

APR Template – Part B

__BIE__
State

The number of initial evaluations decreased from 724 (FFY 2010) to 645 (FFY 2011). The compliance percentage increased from 95.17% to 95.66%.

As presented in the table below, 28 initial evaluations were conducted beyond the 60-day timeline and the following reasons provided for the delay were not allowable exceptions:

# Initial Evaluations	Not Allowable Exceptions
15	Evaluator was not available
08	Christmas/Summer break
03	Previous special education staff not aware of timely evaluation
01	Scheduling conflict
01	Waiting for doctor's report

The number of days beyond the required 60-day timeline ranged from 1-181 calendar days. This resulted in 28 findings of noncompliance identified at 20 schools.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2011:

ACTIVITY	STATUS
Disseminate information to Education Line Offices and Schools on implementing a backup plan if an evaluator/school psychologist contract is not established in a timely manner.	Schools contacted Education Line Officer/Associate Deputy Directors offices to assist with contract difficulties. The BIE was contacted if additional technical assistance were needed as appropriate.
Offer training on Indicator 11 regulatory requirements.	Ongoing. Guidance and training was offered through the 2012 Summer Institute, ADD-Navajo presentation in July 2012, and guidance letters/memos.

APR Template – Part B

__BIE__
State

Explanation of Progress:

As noted in the table below, progress occurred for FFY 2011 from the previous year.

	FFY 2009	FFY 2010	FFY 2011
a. Number of children for whom parental consent to evaluate was received.	382	724	645
b. Number of children whose evaluations were completed within 60-days.	373	689	617
Percent of children with parental consent to evaluate, who were evaluated within 60-days.	97.64%	95.17%	95.66%

The FFY 2011 progress is attributed to the following activities:

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

Correction of FFY 2010 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 97.64%

The 35 findings of noncompliance that were identified during SY 2010-2011 and reported in the FFY 2010 APR were timely corrected and verified as timely corrected based on the review of updated data in the NASIS special education module.

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2010 through June 30, 2011)	35
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	35
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):	
4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2010 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

There was no enforcement actions taken as all findings of noncompliance identified and reported in the FFY 2010 APR were timely corrected and verified by the BIE consistent with the OSEP Memorandum 09-02, dated October 17, 2008.

Verification of Correction of FFY 2010 noncompliance (either timely or subsequent):

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

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

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

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

APR Template – Part B

__BIE__
State

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

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

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

Non-applicable.

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

Verification of Correction of Remaining FFY 2009 findings:

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

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

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

Correction of Any Remaining Findings of Noncompliance from FFY 2008 or Earlier (if applicable):

Non-applicable.

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

Statement from the Response Table	State’s Response
Because the BIE reported less than 100% compliance for FFY 2010, the BIE must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.	The 35 findings of noncompliance reported for FFY 2010 were verified corrected consistent with the OSEP Memorandum 09-02. Schools correctly implemented 34 CFR §300.30(c)(1) and completed the evaluations unless the child was no longer within the jurisdiction of the school.

<p>When reporting on the correction of noncompliance, the BIE must report, in its FFY 2011 APR, that it has verified that each school with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §300.301c)(1) (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 completed the evaluation, although late, for any child whose initial evaluations was not timely, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the 2011 APR, the BIE must describe the specific actions that were taken to verify the correction.</p>	<p>Consistent with the OSEP Memorandum 09-02, the BIE verified correction for each school with noncompliance identified in FFY 2010 as follows:</p> <ol style="list-style-type: none"> 1. The 17 schools corrected all 35 individual student cases of noncompliance by completing the evaluations: <ol style="list-style-type: none"> a. Individual student cases were verified in NASIS to determine that the two signed documents were correctly scanned and uploaded by the school in NASIS, although late for any child whose initial evaluation was not timely, unless the child was no longer within the jurisdiction of the school, consistent with OSEP Memorandum 09-02. b. If verification could not be made, the school was contacted to ensure that the required signed documents were uploaded into NASIS (e.g. the signed document(s) indicated in NASIS, it could not be viewed due to an error in the upload process of the document). 2. The following was conducted to verify that all of the 17 schools are correctly implementing 34 CFR §300.30(c)(1): <ol style="list-style-type: none"> a. The FFY 2010 Compliance Monitoring Timely Evaluation desk audit form was reviewed to ensure that all requirements were indicated on the form. b. If the school was in compliance, it was verified that the school is correctly implementing the regulatory requirement. c. If verification could not be made, the school was contacted by telephone to inform the school (e.g. the signed document(s) indicated in NASIS it could not be viewed due to an error in the upload process of the document). The school would then notify BIE/DPA once the signed document(s) were uploaded for verification at a later date.
<p>If the BIE does not report 100% compliance in the FFY 2011 APR, the BIE must review its improvement activities and revise them, if necessary to ensure compliance.</p>	<p>The improvement activities will remain the same for this APR.</p>

APR Template – Part B

__BIE__
State

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

Non-applicable.

Part B State Annual Performance Report (APR) for FFY 2011

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 services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

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

Measurement:

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

FFY	Measurable and Rigorous Target
<i>FFY 2011</i> (SY 2011-2012)	100%

Actual Target Data for FFY 2011: 48.99%:

Year	Total number of youth aged 16 and above with an IEP	Total number of youth aged 16 and above with an IEP that meets the requirements	Percent of youth aged 16 and above with an IEP that meets the requirements
FFY 2011 (2011-2012)	298	146	48.99%

APR Template – Part B

__BIE__
State

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

The percentage of student files with transition plans which met 100% compliance increased from 29.25% for FFY 2010 to 48.99% for FFY 2011. It is anticipated that the compliance rate for FFY 2012 will continue the trend of improvement for this indicator.

For FFY 2011, the BIE conducted desk audits using the NASIS for the 60 BIE high schools. The audit utilized the 8-item National Secondary Transition Technical Assistance Center (NSTTAC) checklist. A sampling review of 298 students with transition files was conducted. Of the 298 files reviewed, 146 students with transition files were at 100% compliance. One hundred fifty-two students with transition files had at least one item out of compliance of the 8 item NSTTAC checklist. The sampling review was reflective of the disability and gender population of the BIE.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2011³:

The percentage of student files with transition plans which met **100% compliance increased** from 29.25% for FFY 2010 to 48.99% for FFY 2011.

Improvement activities that have taken place recently include:

- Training to school staff on the requirement to upload signature/date documents into the NASIS Special Education Module.
The training has aided BIE in identification of appropriate regulatory implementation of transition services when reviewing IEP documentation on the NASIS Special Education Module.

The timeframe during which the Desk Audit is performed was changed from Spring to Fall semester. The information being reviewed in the Fall semester is typically the plan that will be implemented for the remainder of the school year. Whereas, a Spring review likely means that there are weeks or a couple months left on the transition plan before a new plan will be developed.

Correction of FFY 2010 Findings of Noncompliance:

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

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011)	312
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	292 93.6%
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	20

APR Template – Part B

__BIE__
State

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	20
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	20
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

All findings of noncompliance have been corrected and verified in accordance with *OSEP Memorandum 09-02*.

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

Verification of Correction (either timely or subsequent):

Correction of Noncompliance within 1 year of Notification

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

The BIE verifies correction based on the review of updated data in the NASIS Special Education Module (IEPs, supporting signature/date documents and forms) within the required one-year timeline:

1. Using the 8-item NSTTAC checklist, the BIE conducted
 - Corrections verification through desk audits to verify correction of 292 student-specific findings of noncompliance, and
 - Random selection desk audits. The BIE examined 3 to 5 additional current IEPs and supporting signature/date documents and forms to verify that the 50 schools with findings of noncompliance were correctly implementing the specific-regulatory requirements.

Subsequent Correction of Noncompliance

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

For the noncompliance that could not be verified corrected within one-year of identification, the BIE notified the school in writing and enforcement action was taken against the school including intensive targeted technical assistance and enforcement action.

Intensive Targeted Technical Assistance:

- BIE-DPA conducted telephone conferences with lead administrative staff of each school during which the required regulatory compliance requirements were discussed, along with possible enforcement actions for not correcting noncompliance

APR Template – Part B

__BIE__
State

- Special conditions—required action and timelines for the subsequent correction of noncompliance

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

- Enforcement Action
If a school continued to show noncompliance and the BIE could not verify correction of noncompliance, additional enforcement action could include:
 - a. Incremental distribution of special education Part B funding
 - b. Fiscal Accountability review of the school's special education program
 - c. Individual school status 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).
 - d. A BIE staff member assigned to provide technical assistance to the school in the correction/correct implementation of the specific regulatory requirements.

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

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

Verification of Correction of Remaining FFY 2009 findings:

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

For the noncompliance that could not be verified as corrected within one-year of identification, the BIE notified the school in writing and enforcement action was taken with the school including intensive targeted technical assistance and enforcement action.

1. Intensive Targeted Technical Assistance
 - a. Required webinar on enforcement actions for not correcting noncompliance
 - b. Required webinar on root cause analysis
 - c. Required webinar on specific data analysis
 - d. Special conditions--required action and timelines for the subsequent correction of noncompliance

Following the technical assistance, the BIE conducted a NASIS student IEP files with transition review of updated data to verify subsequent correction of noncompliance beyond the one-year timeline. The student specific findings of noncompliance were verified corrected. A random review of subsequent student files showed continued noncompliance in the implementation of regulatory requirements.

APR Template – Part B

__BIE__
State

2. Enforcement Action

The schools continued to show noncompliance and the BIE could not verify correction of noncompliance, additional enforcement actions against the school included:

- a. Incremental distribution of special education Part B funding
- b. Fiscal Accountability review of the school's special education program
- c. Individual school status 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).
- d. A BIE staff member assigned to provide technical assistance to the school in the correction/correct implementation of the specific regulatory requirements.

The BIE continued to monitor the progress of the school through NASIS desk audits to ensure that the schools correctly implemented the specific regulatory requirements of IDEA based on the review of updated data for a subsequent period of time.

Correction of Any Remaining Findings of Noncompliance from FFY 2008 or Earlier (if applicable):

Non applicable

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 demonstrate, in the FFY 2011 APR, that the BIE is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b).	BIE is demonstrating efforts to meet the 100% compliance target. The BIE increased the percentage of student files in 100% compliance from 29.25% for FFY2010 to 48.99% for FFY 2011. BIE anticipates reporting the percentage of students' files with transition having 100% compliant to increase for FFY 2012.
Because the BIE reported less than 100% compliance for FFY 2010, the BIE must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.	The 20 student files identified with continued noncompliance beyond one year of notification have been subsequently corrected and verified and appropriate implementation of regulatory requirements have been verified by sampling review of updated student files, in accordance with OSEP Memo 09-02.
The BIE must also demonstrate, in the FFY 2011 APR, that the remaining two uncorrected noncompliance findings identified in FFY 2009 were corrected.	The two schools with continued noncompliance beyond one year of notification have been corrected and verified. Appropriate implementation of specific regulatory requirements has been verified by sampling review of updated student files, in accordance with OSEP Memo 09-02.
When reporting on the correction of	The BIE has verified that each school with

Statement from the Response Table	State's Response
<p>noncompliance, the BIE must report, in its FFY 2011 APR, that it has verified that each school with noncompliance identified in FFY 2010 for this indicator, and that each school with the remaining two noncompliance findings identified in FFY 2009 for this indicator: (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 (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>noncompliance identified in FFY 2010 for this indicator, and that each school with the remaining two noncompliance findings identified in FFY 2009 for this indicator: (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 using the BIE NASIS data system, and (2) Using NASIS, the BIE verified the correction of 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 2011 APR, the BIE must describe the specific actions that were taken to verify the correction.</p>	<p>The BIE verifies correction based on the review of updated data in the NASIS Special Education Module (IEPs, supporting signature/date documents and forms) within the required one-year timeline.</p> <ol style="list-style-type: none"> a. Using the 8 item NSTTAC checklist, the BIE conducted corrections verification desk audits to verify correction of student-specific findings of noncompliance. b. Using the 8 item NSTTAC checklist, the BIE conducted random selection desk audits. BIE examined an additional 3 to 5 current IEPs and supporting signature/date documents and forms to verify that the schools with findings of noncompliance were correctly implementing the specific-regulatory requirements. <p>For the noncompliance that could not be verified corrected within one-year of identification, the BIE notified the school in writing and enforcement action was taken against the school including intensive targeted technical assistance and enforcement action.</p> <p>Intensive Targeted Technical Assistance</p> <ul style="list-style-type: none"> • BIE conducted telephone conferences with head administrative staff of each school where the required regulatory compliance requirements were discussed, along with the possible enforcement actions for not correcting noncompliance

Statement from the Response Table	State's Response
	<ul style="list-style-type: none"> • Special conditions--required action and timelines for the subsequent correction of noncompliance <p>Following the technical assistance provided, the BIE conducted a review of updated data to verify subsequent correction of noncompliance beyond the one-year timeline. Student specific findings were verified corrected. In review of updated student IEP files with transition, correct implementation of regulatory requirements could not be verified.</p> <p>Enforcement Action</p> <ul style="list-style-type: none"> • The schools continued to show noncompliance and the BIE could not verify correction of noncompliance, additional enforcement action against the school included: <ol style="list-style-type: none"> a. Incremental distribution of special education Part B funding b. Fiscal Accountability review of the school's special education program c. Individual school status 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). d. A BIE staff member assigned to provide technical assistance to the school in the correction/correct implementation of the specific regulatory requirements. <p>BIE continued to monitor the progress of the school through NASIS sampling review to ensure that the school was correctly implementing the specific regulatory requirements of IDEA based on the review of updated data in NASIS for a subsequent period of time.</p>

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Improvement Activities Completed/Continued that occurred for FFY 2011:

ACTIVITY	STATUS
1. Statewide Secondary Transition Team planning On-going technical assistance in transition requirements provided to schools	The Transition Team met during Summer Institute June 2012 Developed plans to collaborate among schools in regional areas
2. 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.	Sampling reviews conducted January 2012 and June 2012. Targeted technical assistance to specific schools was provided.
3. On-going technical assistance in transition requirements provided to schools in the use of the NASIS Special Education Module. Regularly scheduled training on updates and the use of the NASIS Special Education Module.	On-going as the need arises. Training includes secondary transition and requirements for the Indicator 13 Desk Audit process.
4. Design and implement effective dropout prevention and graduation models and practices.	The National Dropout Prevention Center for Students with Disabilities (NDPC-SD) provided training to a cohort of 12 BIE schools August 2012.

Improvement Activities/Timelines/Resources for FFY 2012

Activity	Timeline	Resources
On-going technical assistance in transition requirements provided to schools in the use of the NASIS Special Education Module. Regularly scheduled trainings on updates and the use of the special education module in NASIS.	SY 2012-2013	BIE-Funded Schools BIE Special Education Unit Infinite Campus BIE NASIS Support Personnel
Distribute Secondary Transition Newsletter to all schools showcasing successful programs and providing information on resources and best practices.	SY 2012-2013	BIE-Funded Schools BIE Special Education Unit
Conduct desk audit file reviews of IEPs for those students 16 years and older using the	SY 2012-2013	BIE Special Education Unit

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Activity	Timeline	Resources
NASIS Special Education Module; offer targeted technical assistance to specific schools.		
Design and implement effective dropout prevention and graduation models and practices.	SY 2012-2013	BIE-Funded Schools BIE Special Education Unit BIE STAT team. Intensive technical assistance from the NDPC-SD.

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.
(20 U.S.C. 1416(a)(3)(B))

Measurement:

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

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

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

FFY	Measurable and Rigorous Target
2011 (Leavers from SY2010-2011)	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. 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. 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.

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Actual Target Data for FFY 2010:

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

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

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

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

Category of Leavers	Number	Percent
Interviewed Leavers	233	100.0%
Measurement A—Percent of youth enrolled in higher education within one year of leaving high school;	51	21.89%
Measurement B—Measurement A plus percent of youth competitively employed within one year of leaving high school	112	48.07%
Measurement C—Measurement B plus percent of youth enrolled in any other type of post-secondary education/training or employed in any other type of employment	152	65.24%

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

Category of Leavers	No. Students	Gender		Percent
		M	F	
1—Enrolled in higher education as defined in measure A.	51	26	25	21.89%
2—Engaged in competitive employment as defined in measure B but not in 1.	61	46	15	26.18%
3a—Enrolled in other post-secondary education or training as defined in measure C but no in 1 or 1, <u>or</u>	17	10	7	
3b—Engaged in some other employment as defined in measure C but not in 1 or 2.	23	17	6	17.17%
Not in any of the above three categories	81			
▪ Caregivers for family members (child or elder care)	17	8	9	
▪ No Activity	40	23	17	34.76%
▪ Unable to contact	24	21	3	
TOTAL	233	151	82	100%

Overview of Issue/Description of System or Process:

In August 2012, the 60 BIE high schools were instructed to begin data collection on the 2010-2011 leavers using a survey tool. The high schools, contacted/attempted to contact, all students who were no longer in secondary school, and had IEPs in effect at the time they left school. The survey tool was developed by BIE and data was collected electronically using a link to the survey attached to the BIE website. The tool included drop-down items and questions for the school reporter to identify the post-secondary outcome of each student. The individual students were identified by NASIS Number, Disability Code and Gender.

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

- Enrolled in “higher education.”
- Employed in “competitive employment.”
- Enrolled in “some other post-secondary education or training.”
- Employed in “some other employment.”

Additional questions were asked to identify where students are in the continuum of transition from high school to post-secondary outcomes. The questions were:

- Number of respondent leavers that are caregivers for family members (Child or elder care)?
- Total number of student leavers from SY 2010-2011 the school was unable to contact?

The tool also included a drop-down list of identifying items to identify the manner in which the student exited the school. The questions were:

- Graduated with regular high school diploma
- Received a certificate (certificate of completion, modified diploma)
- Reached maximum age
- Dropped out

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

The deadline to submit the data was October 12, 2012. Forty-nine high schools submitted data and 11 schools submitted no data. Of the 49 schools reporting data, 12 reported complete data (identified the student leavers and their Post-Secondary outcome 1 year after leaving high school). Twenty-seven schools did not identify or partially identified and collected data on the students who, ‘dropped-out’ during SY 2010-2011 and did not return during SY 2011-2012 (118 students). Two schools reported post-secondary outcomes prematurely from SY 2011-2012 leavers instead of post-secondary outcomes from SY 2010-2011 leavers.

The 49 schools reported a total of 233 respondents, consisting of 151 males and 82 females. As noted above in Table 14-2, 152 responses were counted in Measurement A, B, or C. In addition, 81 responses fell in one of three categories: Caretaker for Family Member (17 students), No Post-Secondary Activity (40 students), and Unable to Contact (24 students).

The survey pool for this indicator identified by NASIS analysis of SY 2010-2011 data as either graduated, aged out, received a certificate and dropped out was 460 students (308 males and 152 females). The response rate by gender was 49.02% males (151/308) and 53.95% (82/152) females.

Results were analyzed by gender to determine if any systematic differences existed between males and females. As Table 14-3 indicates, females were more likely than males to be enrolled in higher education; enrolled in some “other” type of post-secondary education or training; be a caregiver for family members, and

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more likely to be performing no Post-Secondary Activity. Males were more likely than females to be engaged in competitive employment; and engaged in some other employment.

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

Category of Leaver Responders	Males (130)	Females (79)	Total (209)
1. Enrolled in higher education as defined in measure A (51 students) (26 M; 25 F)	20.00%	31.65%	24.40%
2. Engaged in Competitive employment as defined in measure B (but not in 1.) (61 students) (46 M; 15 F)	35.39%	18.99%	29.19%
3. Enrolled in other postsecondary education or training as defined in measure C (but not in 1. or 2.) (17 students) (10 M; 7 F)	7.69%	8.86%	8.13%
4. Engaged in some other employment as defined in measure C (but not in 1 or 2) (23 students) (17 M; 6 F)	13.08%	7.59%	11.00%
Not in any of the above three categories (57students)			
▪ Caregivers for family members (Child or elder care) (8 M; 9 F)	6.15%	11.39%	
▪ No Activity (23 M; 17 F)	17.69%	21.52%	27.28%
TOTAL	100%	100%	100%

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Table 14-4: SY 2010-2011 Distribution Return by Disability

Disability Category	Survey	SY 2010-2011Leavers	Percent Responded
Intellectual Disability	13	34	38.24%
Hearing Impairment	1	2	50.00%
Speech/Language	1	2	50.00%
Visual Impairment	0	0	N/A
Emotional Disturbance	18	42	42.86%
Orthopedic Impairment	0	0	N/A
Other Health Impairment	16	36	44.44%
Specific Learning Disability	178	326	54.60%
Deaf-Blindness	0	0	N/A
Multiple Disabilities	3	12	37.83%
Autism	2	5	40.00%
Traumatic Brain Injury	1	1	100%
Overall Distribution of Respondents	233	460	50.65%

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

As Table 14-5 indicates, students with intellectual disability were more likely to be engaged in some other employment or performing no post-secondary activity at all (92%). The BIE recorded no instance of further education and training nor engagement in competitive employment.

As Table 14-5 indicates, students with emotional disturbance were more likely to be enrolled in higher education or be competitive employed (50%). Students identified with other health impairments were more likely to not be performing any post-secondary activity (55%).

Students with specific learning disability outcome results were distributed across the various outcomes identifiers:

- Twenty-seven percent were enrolled in higher education;
- Thirty-three percent were engaged in competitive employment;
- Nine percent were enrolled in some other post-secondary education or training;
- Eight percent were engaged in some other employment;
- Ten percent were caregiver for a family member;
- Thirteen percent were not engaged in any post-secondary activity at the present time.

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Table 14-5: SY 2010-2011 Leavers Response by Disability Category

210 Responders M=130; F=80	Enrolled in Higher education			Engaged in Competitive Employment			Enrolled in Some Other Postsecondary Education or Training			Engaged in Some Other Employment			Caregiver for Family Member (Child or Elder Care)			No Postsecondary Activity Occurring at Present Time								
	Male	Female	%	Male	Female	%	Male	Female	%	Male	Female	%	Male	Female	%	Male	Female	%						
Intellectual Disability (6 male, 7 female)										3	50.00%	3	42.86%			1	14.28%	3	50.00%	3	42.86%			
Hearing Impairment (1 Female)									1	100%														
Speech/ Language (1 female)																				1	100%			
Emotional Disturbance (9 male, 9 female)	4	44.44%		2	22.22%	3	33.33%		1	11.11%	1	11.11%	1		2	22.22%	2	22.22%	2	22.22%	2	22.22%		
Other Health Impairment (11 male, 4 female)	1	9.09%	2	50.00%	2		1	25.00%	1	9.09%		1	9.09%	1	25.00%			6	54.55%					
Specific Learning Disability (99 male, 57 female)	19	19.19%	23	40.35%	41	41.41%	11	19.30%	9	9.09%	5	8.77%	11	11.11%	1	1.75%	8	8.08%	7	12.28%	11	11.11%	10	17.54%
Multiple Disabilities (2 male, 1 female)													1	50.00%					1	50.00%	1	100%		
Autism (2 male)	1	50.00%			1	50.00%																		
Traumatic Brain Injury (1 male)	1	100%																						

Measurable and Rigorous Targets for FFY 2012:

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

ACTIVITY	STATUS
1. Offer WebEx training to all the schools throughout the school year on special education topics including secondary transition services	Scheduled Web ex trainings were offered throughout SY 2011-2012
2. Distribute the Secondary Transition Newsletter to all schools showcasing successful programs and providing information on resources and best practices.	Distributed for SY 2011-2012 with information specific to post- secondary planning.
3. Conduct desk audit file reviews of IEPs for those students 16 years old and older using the NASIS Special Education Module; offer targeted technical assistance to specific schools.	Continued during SY 2011-2012 with targeted technical assistance offered.
4. Offer on-going technical assistance in transition requirements to schools in the use of the NASIS Special Education Module. Regularly scheduled trainings on updates and the use of the NASIS Special Education Module.	Continued during SY 2011-2012. Ongoing training was offered.
5. National Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	This activity was cancelled for SY 2011-2012.
6. Offer regional work sessions with schools on AYP calculation and data analysis.	This activity was cancelled for SY 2011-2012
7. Design and implement effective dropout prevention and graduation models and practices.	January 2011 through December 2013. Training was conducted by National Dropout Prevention Center for Students with Disabilities (NDPC-SD). Training for Cohort II began in Fall 2012.

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Improvement Activities/Timelines/Resources for SY 2010-2013:

ACTIVITY	TIMELINE	RESOURCE
1. Offer webinars on special education topics including secondary transition services.	SY 2012-2013	BIE Outside contractors on occasion
2. Distribute the Secondary Transition Newsletter to all schools showcasing successful programs and providing information on resources and best practices.		Deferred.
3. Conduct desk audit file reviews of IEPs for those students 16 years old and older using the NASIS Special Education Module; targeted technical assistance to specific schools may result from this process.	SY 2012-2013	BIE
4. Offer on-going technical assistance in transition requirements to schools in the use of the NASIS Special Education Module. Schedule trainings on updates and the use of the NASIS Special Education Module.	SY 2012-2013	Infinite Campus BIE NASIS Support Personnel BIE
5. National Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.		BIE
6. Regional work sessions with schools on AYP calculation and data analysis.		BIE
7. Design and implement effective dropout prevention and graduation models and practices.	SY 2012-2013	BIE STAT team. Intensive technical assistance from NCPC-SD.

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

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

States are required to use the “Indicator 15 Worksheet” to report data for this indicator

(see Attachment A).

FFY	Measurable and Rigorous Target
FFY 2011	100%

Actual Target Data for FFY 2011:

95.09%

BIE **did not meet** identified target.

Describe the process for selecting LEAs for Monitoring:

Indicator 11 Desk Audit—The BIE selected 173 schools with academic programs during SY 2010-2011 to determine if all schools were completing new initial evaluations within 60-calendar days of receiving parental consent.

Indicator 13 Desk Audit—The BIE selected a sampling of 441 student files from 60 high schools during SY 2010-2011 for the desk audit to determine whether students with IEPs aged 16 and above had an IEP that included post-secondary goals that are measurable, annually updated, based on age appropriate transition assessments; transition services courses of study to meet secondary goals, annual IEP goals related to

APR Template – Part B

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State

transition service needs, student invite to IEP team meeting, and invite of representative of participating agency, if appropriate.

Compliance Monitoring—The BIE selected 4 BIE-funded schools with academic programs during SY 2010-2011 in four states (four line offices) to receive an on-site pilot compliance monitoring visit of their special education program. The pilot on-site visits were conducted to determine performance as well as an opportunity to redefine the monitoring procedures and protocols for subsequent years and to align it with the OSEP 09-02 memo. The criteria for the selection process for the four schools were based on the following:

- Number of disciplinary incidents reported for SPP Indicator 4 (suspension/expulsion),
- Due process requests,
- Number of findings of noncompliance corrected, and
- Achievement gaps between students with disabilities and their nondisabled peers.

Prior to the on-site visit, each school completed a pre-site school information form to assist the reviewers in getting additional information about the school. The on-site activities collected monitoring data through the IEP file reviews, classroom observations, interviews (teachers, school administrators, students, parents, school board), and review of school special education documents.

Indian Student Equalization Program (ISEP)—Each BIE Education Line Office conducted an on-site audit of 6488 files at 173 schools with academic programs during SY 2010-2011 to verify and certify that students with disabilities were receiving special education and related services indicated on their IEPs. A total of 173 schools were audited in 22 education line offices.

Fiscal Management—The BIE Education Line Officers and BIE Administration office recommended 3 BIE-Operated schools during SY 2010-2011 for a fiscal management review of their special education funds (e.g., 15% ISEP, Part B, and any carryover from the previous year). This was the first year fiscal management reviews were conducted.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2011⁴:

ACTIVITY	STATUS
Apply enforcement action for schools that continue to show noncompliance to correct.	Ongoing. Enforcement action have been applied for each school that has not corrected for findings identified during SY 2008-2009 and 2009-2010 although noncompliance has been subsequently verified corrected.
Offer training for schools and education line offices on sustaining correct practices of specific regulatory requirements.	Ongoing. Targeted training has been offered at regional and national venues concerning the requirements to demonstrate the correction of noncompliance (e.g., Special Education Data Summit, Summer Institute, Special Education

⁴ In an effort to reduce reporting burden, in the FFY 2011 APR, States: 1) Are not required to provide an explanation of: a) progress; b) no change in actual target data from the data for FFY 2010; or c) slippage if the State meets its target. 2) Are not required to discuss improvement activities for: a) compliance indicators where the State reports 100% compliance for FFY 2011; and b) results indicators where the State has met its FFY 2011 target. 3) May provide one set of improvement activities for the entire APR as long as the Improvement Activities are indexed back to reference the relevant indicators.

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State

	Academy, and AYP tour meetings.). Guidance is also offered in written notification of finding(s) sent to the schools.
Maintain data base to track correction of noncompliance findings.	Ongoing. The data base tracks noncompliance and correction for all monitoring activities--on-site visits, desk audits, ISEP, dispute resolution, fiscal management, and parent concerns. The data is used for APR and quarter PIAP reporting. One written notification of finding(s) is issued for monitoring activities except when issuance of noncompliance occurs in due time (e.g. due process hearing).
Conduct desk audit of IEPs using the NASIS special education module to ensure schools are correctly implementing the specific regulatory requirements based on review of updated data.	Ongoing. The BIE conducts desk audits for Indicators 11 & 13 and reviews updated data (IEPs, supporting signature/date documents and forms) in the NASIS to ensure schools correct and correctly implement specific regulatory requirements

In SY 2010-2011, the BIE reported data for this indicator was 76% (from the OSEP FFY 2010 SPP/APR Response Table). The noncompliance data being reported for SY 2011-2012 is 95.09%. This shows progress as presented in the table below.

	FFY 2009 [Identified 2008-2009 corrected within 1-year]	FFY 2010 [Identified 2009-2010 corrected within 1-year]	FFY 2011 [Identified 2010-2011 corrected within 1-year]
Number of total findings	231	375	855
Number corrected within one-year	134	285	813
Percent correction of noncompliance	58.01%	76.00%	95.09%

As noted in the table above, the BIE made substantial progress from 76% to 95.09%. The progress can be attributed to the following:

1. A general supervision system that addresses the correction of noncompliance in a timely manner; therefore, providing improved services to students with disabilities.
2. Significant gains in providing valid, accurate, and reliable data for this indicator through quarterly tracking of correction of noncompliance and verification of correction for the APR and quarter PIAP reporting.
3. Offering training, guidance, and expectations to schools and education line offices concerning the requirements for demonstrating the correction of noncompliance within required timelines.

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State

4. Issuing the written notification of finding(s) to schools for monitoring activities (e.g., on-site focused monitoring, I-11 Desk Audit, I-13 Desk Audit, ISEP) on one date resulting in improved tracking of correction of noncompliance within required timelines.
5. Verifying correction based on the review of updated data (IEPs, supporting signature/date documents and forms) in the NASIS Special Education Module within the required one-year timeline. NASIS is the BIEs electronic student information system that includes a special education module that supports the management of IEPs for students with disabilities.
6. Applying enforcement action relative to schools not correctly implementing the specific regulatory requirements.
7. Guidance, technical assistance, and training offered by OSEP, MPRRC, and the DAC on strengthening BIEs general supervision process.

Note: For this indicator, report data on the correction of findings of noncompliance the State identified in FFY 2010 (July 1, 2010 through June 30, 2011) and verified as corrected as soon as possible and in no case later than one year from identification.

Timely Correction of FFY 2010 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

1. Number of findings of noncompliance the State identified in FFY 2010 (the period from July 1, 2010 through June 30, 2011) (Sum of Column a on the Indicator B15 Worksheet)	855
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)	813
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	42

FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	42
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	42
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Verification of Correction for findings of noncompliance identified in FFY 2010 (either timely or subsequent):

Consistent with the OSEP 09-02 memo, the BIE verified correction of 855 findings of noncompliance identified during SY 2010-2011 and ensured the specific regulatory requirements were correctly implemented as follows based on the review of updated data:

1. Eight hundred thirteen findings of noncompliance were **timely corrected** and verified corrected based on the review of updated data consistent with OSEP Memo 09-02:
 - Indicator 11—One hundred ten (110) findings were timely corrected. Each individual case of noncompliance was verified corrected in NASIS by ensuring that 2 signed documents were correctly scanned and uploaded by the school unless the child was no longer within the jurisdiction of the school. If verification could not be made, the school was contacted to ensure that the required signed documents were uploaded into NASIS. To ensure correct implementation of the specific regulatory requirements, the timely evaluation desk audit form was reviewed to ensure that all requirements were indicated on the form. If the school was in compliance, it was verified that the school was correctly implementing the regulatory requirements and completed the evaluations unless the child was no longer within the jurisdiction of the school. The review of updated data included new student referrals, if any, to ensure that the appropriate regulatory requirements were implemented correctly.
 - Indicator 13—Two hundred ninety-two (292) findings were timely corrected. Each of the 8-items in the NSTTAC data collection tool was verified corrected by reviewing each student's transition IEP in NASIS. An additional 3-5 student transition service IEPs were reviewed to ensure that each school was correctly implementing the specific regulatory requirements.
 - Compliance Monitoring—Twelve (12) findings were timely corrected. Each individual case of noncompliance was verified corrected in NASIS including required signature/date documents and forms. An additional 3-5 active student IEPs were reviewed to verify the school was correctly implementing the specific regulatory requirement.
 - ISEP—Three hundred ninety-three (393) were timely corrected. Each individual case of noncompliance was verified corrected in NASIS. An additional 3-5 active student IEPs were reviewed to verify the school was correctly implementing the specific regulatory requirements.
 - Fiscal Management—Six (6) findings were timely corrected. Findings, relative to Part B funds, were verified corrected by the fiscal monitoring team comprised of BIE Administration and DPA special education fiscal leads utilizing the Federal Financial System (FFS) for BIE-Operated Schools. For Tribally Controlled Schools, another on-site visit was conducted to review corrections on site.

2. Forty-two findings of noncompliance were **subsequently corrected** and verified corrected based on the review of updated data consistent with OSEP Memo 09-02.
 - Indicator 13—Twenty findings were subsequently corrected. Each of the 8-items in the NSTTAC data collection tool was verified corrected by reviewing each student's transition IEP in

NASIS. Additional student transition service IEPs were reviewed to ensure that each school was correctly implementing the specific regulatory requirements.

- Compliance Monitoring—Four (4) findings were subsequently corrected. Each individual case of noncompliance was verified corrected in NASIS. An additional 3-5 active student IEPs were reviewed in NASIS including required signature/date documents and forms to verify the school was correctly implementing the specific regulatory requirements. Frequently follow-up, technical assistance and review of updated data resulted in BIEs confidence that the school was in 100% compliance.
- Fiscal Management—Eighteen (18) findings were subsequently corrected. Quarterly financial reviews were conducted with the school via conference calls to ensure progress in correcting fiscal noncompliance.

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

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

Indicator 11—NASIS is utilized to ensure that each individual case of noncompliance has been corrected and that the evaluations were completed before written notification of closure was provided to the school.

Indicator 13—Technical assistance was provided to schools throughout the year (e.g., conference calls, correspondence, presented at the summer institute to notify the schools of the exact requirements for correction, DPA staff attended the NSTTAC Institute and National Transition Conference, provided TA to schools that were monitored onsite

Compliance Monitoring

1. An additional 3-5 active IEP files and supporting signature/date documents and forms uploaded by the schools into the student's NASIS Special Education Module were reviewed to verify correction and correct implementation of the specific regulatory requirements.
2. The tracking of data for correction of noncompliance for all monitoring activities was refined and maintained for APR and quarter PIAP reporting.
3. The BIE monitored the progress of the school through NASIS desk audits and kept the Education Line Office informed to ensure the correct implementation of the specific regulatory requirements based on the review of the school's updated data in NASIS. This resulted in the subsequent correction of noncompliance.

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4. The primary enforcement action was targeted technical assistance and support to the school. Frequent follow-up with the school as well as the Education Line Office were conducted to determine the school's progress in correcting noncompliance.

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

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

The BIE provided intensive targeted technical assistance to one school that had difficulty making correction beyond the one-year timeline. The technical assistance included regular follow-up with the school special education contact to determine progress in correcting noncompliance. The BIE continued to monitor the progress of the school through NASIS desk audits, teleconferences, and electronic e-mail to ensure that each student-specific finding of noncompliance had been corrected at 100%. As corrections were made, the BIE reviewed the school's updated data (IEPs and supporting signature/date documents and forms) in NASIS to verify the subsequent correction of noncompliance and ensure that the school was correctly implementing the specific regulatory requirements. All findings of noncompliance were verified corrected in June 2012 and written notification of close-out was provided the school. No further enforcement action was required.

Actions Taken if Noncompliance Not Corrected

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

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

There are no continuing noncompliance's from findings identified during SY 2010-2011. Therefore, no further action (e.g., enforcement) was required.

Correction of Remaining FFY 2009 Findings of Noncompliance (if applicable)

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

1. Number of remaining FFY 2009 findings noted in OSEP's FFY 2010 APR response table for this indicator	90
2. Number of remaining FFY 2009 findings the State has verified as corrected	73
3. Number of remaining FFY 2009 findings the State has NOT verified as corrected	17

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[(1) minus (2)]	
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As reported in the FFY 2010 APR, the BIE reported 17 **remaining** findings. The 17 remaining findings represented 41 categorical findings at 8 schools that were tracked as categorical findings.

At the time the compliance monitoring was conducted in FFY 2009, the data collection tool had 9 categories with regulatory citations (e.g., School Wide Information, Referral and Initial Evaluation, Re-evaluation, IEP Team, IEP Content, IEP Considerations, Placement and Services, Parent Participation, and Transition Services). Each of the 9 categories had a specific number of items totaling 57 items.

When the written notification of finding(s) was issued on September 30, 2010, the findings were identified by categorical findings based on the data collection tool used. Thus, the 8 schools had 41 categorical findings (517 student-specific items). The BIE tracked the findings and correction by the 41 categorical findings for the APR and quarterly PIAP Reports to ensure correction and correct implementation of specific regulatory requirements. As of July 1, 2011, the quarter PIAP Reports tracked number of findings (not number of schools)—and for the FFY 2009 APR, the categorical findings were tracked until they were verified corrected by the BIE.

Each individual case of noncompliance was verified corrected by reviewing the IEPs (including required signature/date documents and forms) in NASIS unless the child was no longer within the jurisdiction of the school. In addition, a sampling of 3-5 additional active student IEPs were reviewed to ensure that the school was correctly implementing the specific regulatory requirements consistent with OSEP Memorandum 09-02 dated October 17 2008. When the BIE was confident that compliance was maintained at 100%, the BIE sent an official “close-out” letter to the school. Frequent follow-up with the school was conducted to determine the school’s progress in correcting noncompliance.

The table below presents the discrepancy between of what was reported in the FFY 2010 APR and how those findings were transitioned to categorical findings for the PIAP quarter reports. Both methods and definitions are correct for APR and PIAP reporting consistent with the PIAP reporting requirements in the OSEP letter to the BIE, dated July 1, 2011 and the OSEP Memorandum 09-02, dated October 17, 2008. The data base was refined to track correction for the PIAP Reports and the APR.

FFY 2009 APR (Findings tracked by # schools)		Quarter PIAP Reports (Findings tracked by categorical findings)
17 remaining findings = 41 categorical findings at 8 schools	March 30, 2012	<ul style="list-style-type: none"> ▪ 41 categorical findings remained not verified corrected at 8 schools
	June 30, 2012	<ul style="list-style-type: none"> ▪ 19 findings subsequently verified corrected at 4 schools ▪ 22 categorical findings remained not verified corrected at 4 schools
	September 30, 2012	<ul style="list-style-type: none"> ▪ 22 findings subsequently verified corrected at 4 schools ▪ 0 findings remain

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Correction of Any Remaining Findings of Noncompliance identified in FFY 2008 or Earlier (if applicable)

As reported in the FFY 2010 APR, the BIE reported 6 **remaining** findings. The 6 remaining findings represented 34 categorical findings at 6 schools. The findings were identified and tracked by categorical findings. .

At the time the compliance monitoring was conducted in FFY 2008, the data collection tool had 10 categories with regulatory citations (e.g., Record Keeping, IEP Meeting, Referral and Evaluation Assessment Procedures, IEP File, IEP Team, IEP Content, Invitation, Written Notice, Placement and Services, and Transition Services). Each of the 10 categories had a specific number of items totaling 58 items.

When the written notification of finding(s) was issued, the findings were identified by categorical findings based on the data collection tool used. Thus, the 6 schools had 34 categorical findings (401 student-specific items). The BIE tracked the findings and correction by the 34 categorical findings for the APR and quarterly PIAP Reports to ensure correction and correct implementation of specific regulatory requirements. As of July 1, 2011, the quarter PIAP Reports tracked number of findings (not number of schools)—and for the FFY 2008 APR, the categorical findings were tracked until they were verified corrected by the BIE.

Each individual case of noncompliance was verified corrected by reviewing the IEPs (including required signature/date documents and forms) in NASIS unless the child was no longer within the jurisdiction of the school. In addition, a sampling of 3-5 additional active student IEPs were reviewed to ensure that the school was correctly implementing the specific regulatory requirements consistent with OSEP Memorandum 09-02 dated October 17 2008. When the BIE was confident that compliance was maintained 100%, the BIE sent an official “close-out” letter to the school. Frequent follow-up with the school was conducted to determine the school’s progress in correcting noncompliance.

The table below presents the discrepancy between of what was reported in the FFY 2010 APR and how those findings were transitioned to categorical findings for the PIAP quarter reports. Both methods and definitions are correct for APR and PIAP reporting consistent with the PIAP reporting requirements in the OSEP letter to the BIE, dated July 1, 2011 and the OSEP Memorandum 09-02, dated October 17, 2008. The data base was refined to track correction for the PIAP Reports and the APR

FFY 2010 APR (Findings tracked by # schools)	Quarter PIAP Reports (Findings tracked by categorical findings)	
6 remaining findings = 34 categorical findings at 6 schools	March 30, 2012	<ul style="list-style-type: none"> ▪ 34 categorical findings remained not verified corrected at 6 schools
	June 30, 2012	<ul style="list-style-type: none"> ▪ 23 findings subsequently verified corrected at 4 schools ▪ 11 categorical findings remain not verified corrected at 2 schools
	September 30, 2012	<ul style="list-style-type: none"> ▪ 11 findings subsequently verified corrected at 2 schools ▪ 0 findings remain

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Additional Information Required by the OSEP FFY 2010 APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
<p>The BIE must demonstrate, in the FFY 2011 APR, that the remaining 17 findings of noncompliance identified in FFY 2009 and the remaining six findings of noncompliance identified in FFY 2008 that were not reported as corrected in the FFY 2010 APR were corrected.</p>	<p>FFY 2009—The remaining 17 findings of noncompliance have been verified corrected consistent with the OSEP Memo 09-02 dated October 17, 2008.</p> <ul style="list-style-type: none"> ▪ Each individual case of noncompliance was verified corrected by reviewing the IEPs in NASIS, and ▪ An additional 3-5 active IEP files were reviewed to ensure that the school was correctly implementing the specific regulatory requirements. <p>Further detail is provided in the I-15 narrative as to how the findings were reported for APR and PIAP reporting. The tracking of data has been refined for APR and quarter PIAP report</p> <p>FFY 2008—The remaining 6 findings of noncompliance have been verified corrected consistent with the OSEP Memo 09-02 dated October 17, 2008.</p> <ul style="list-style-type: none"> ▪ Each individual case of noncompliance was verified corrected by reviewing the IEPs in NASIS, and ▪ An additional 3-5 active IEP files were reviewed to ensure that the school was correctly implementing the specific regulatory requirements. <p>Further detail is provided in the I-15 narrative as to how the findings were reported for APR and PIAP reporting. The tracking of data has been refined for APR and quarter PIAP reporting.</p>
<p>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 2011 APR, demonstrating that the BIE timely corrected</p>	<p>The improvement activities will remain the same with minor adjustments.</p>

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<p>noncompliance identified by the BIE in FFY 2010 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p>	
<p>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the BIE must report that it verified that each school with noncompliance identified in FFY 2010 and each school with the remaining findings 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 individual case of noncompliance, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memo 09-02.</p>	<p>The BIE reviews updated data (IEPs and supporting signature/date documents and forms) utilizing the NASIS Special Education Module to verify that each school has corrected student-specific findings and is correctly implementing the specific regulatory requirements. The BIE continues to monitor the progress of each school.</p>
<p>In the FFY 2011 APR, the BIE must describe the specific actions that were taken to verify the correction.</p>	<p>The verification of correction is addressed in the APR under Indicator 15.</p>
<p>In reporting on Indicator 15 in the FFY 2011 APR, the BIE must use the Indicator 15 Worksheet.</p>	<p>The B15 worksheet has been used to report on timely initial evaluations, secondary transition, dispute resolution, monitoring activities, and fiscal management</p>
<p>Further, in responding to the Indicators 11, and 13 in the FFY 2011 APR, the BIE must report on correction of the noncompliance described in this table under those indicators.</p>	<p>Correction of noncompliance is reported under the Indicator 11 and 13 narratives.</p>

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

Non-applicable.

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(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. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
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. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	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	Dispute Resolution: Complaints, Hearings			

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
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.				
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. 10. Percent of districts with	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings			
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: I-11 Desk audit	33	110	110
	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	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: I-13 Desk Audit	50	312	292
	Dispute Resolution: Complaints, Hearings			

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
transition service needs.				
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: On-site Visits	4	16	12
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other: ▪ ISEP ▪ Fiscal Management	20 3	393 24	393 6
	Dispute Resolution: Complaints, Hearings			
	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
Other areas of noncompliance:	Dispute Resolution: Complaints, Hearings			

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Sum the numbers down Column a and Column b			855	813
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	95.09%

Part B State Annual Performance Report (APR) for _FFY 2011_____

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

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))

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

FFY	Measurable and Rigorous Target
<i>FFY 2011</i>	<i>Target not established</i>

Actual Target Data for FFY 2011:

There were 4 due process hearing requests filed in FFY 2011. None of the four due process hearing requests were resolved during resolution sessions.

2011 Due Process Hearing Requests Filed	Resolution
4	0

The data submitted through the IDEA 618 section for Table 7 is currently inaccurate. The BIE Data Unit is working with EdFacts Partner Support to document system problems and to correct the data in the system. The problem is in the use of the EMAPS system where the “business rules” that accept or reject data entry are not intuitive and effectively prevent the user from updating incorrect data submissions.

The BIE reported fewer than ten resolution sessions held in FFY 2011. The BIE is not required to provide targets or improvement activities any fiscal year in which ten or more resolution sessions were held.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011: Not applicable

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Part B State Annual Performance Report (APR) for ____ FFY2011 ____

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)) divided by 2.1] times 100%

FFY	Measurable and Rigorous Target
FFY 2011	<i>Target not established</i>

Actual Target Data for FFY 2011:

Note—BIE had listed the target as 100% but it has never established a target so it should say target not established (changed in SPP target for 2011 and 2012 to **not established**).

BIE had five requests for mediation; one was withdrawn and the other four were settled through mediation agreements. Since the number of mediations conducted for FFY 2011 remained under 10, the BIE is not required to establish targets and improvement activities.

2011 Mediation Requests	Number	Results
Mediations held related to a due process complaint	4	Agreement
Mediations held not related to a due process complaint	1	Withdrawn
Total number of mediations held for FFY 2011	5	

The data submitted through the IDEA 618 section for Table 7 is currently inaccurate. The BIE Data Unit is working with EdFacts Partner Support to document system problems and to correct the data in the system. The problem is in the use of the EMAPS system where the “business rules” that accept or reject data entry are not intuitive and effectively prevent the user from updating incorrect data submissions.

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011: Not applicable.