

**Bureau of Indian Affairs**  
**Office of Indian Education Programs**  
**State Performance Plan Revisions**  
**Submitted February 1, 2010**  
**(April 26, 2010)**

The Bureau of Indian Education (BIE) funds schools located on 63 reservations in 23 states across the nation. Of the 184 schools 60 are Bureau operated and 124 are tribally controlled. One-hundred and sixteen schools provide instructional programs, 55 provide instructional as well as boarding services and 12 peripheral dormitories provide only boarding services (these students attend the local public school). Seven schools are Off Reservation Boarding Schools (ORBS) that provide both instructional and boarding facilities to students from many different states. The BIE is not a school system organized into districts as are the majority of the states, the 184 Bureau funded schools are organized under 22 Education Line Offices or Agencies. The smallest agency has two schools providing academic services and one boarding facility where the students receive their academic services in a public school. The largest agency serves 17 schools, 10 of which also provide boarding service. In the BIE schools are also meeting the reporting requirements of the LEA. This difference is greater than just terminology in that the Education Line Officers do not have the same line authority over the LEA/schools in their agency as do district superintendents in the public school system.

The definition of Adequate Yearly Progress (AYP) that all Bureau funded schools will follow is that of the state in which the school is located (25 CFR 30.104). This has been an important factor in the development of the State Performance Plan (SPP) due to the fact that there are significant variances between states in expectations for many indicators such as graduation rates, achievement cut scores, attendance and others. With the need to align targets with ESEA reporting and the need to use common standards and measures wherever possible the SPP targets are often written in a format that allows adjustment for the expectations of the state in which the school is located.

This 2010 revision of the State Performance Plan (SPP) aligns reporting with what is used to report under the ESEA.

- Final copies of the revised SPP will be made available to each Agency office for their staff. The agencies will distribute the document to schools.
- Schools will be asked to disseminate the SPP to parents and other community members in a manner deemed to be most appropriate for that school and community.
- Each involved tribal entity will receive a final copy of the SPP for distribution to their respective communities.
- Each member of the Advisory Board and each staff member at the central office level of OIEP will receive a copy of the final document.
- The approved SPP will be reviewed at the next national gathering of Education Line Officers, Special Education Coordinators, and Field Education Specialists.
- A final copy will be posted on the BIE web-site. ([www.bie.edu](http://www.bie.edu))

**Data links:**

**Report cards – <http://www.bie.edu>**

**Indicators – same**

Public Reporting  
Bureau-wide and School Report Cards

same  
2007-2008 Indicator Performance Reports

2009 APR, 2010 SPP - - <http://www.bie.edu>  
New and Revised Special Education Reports for 2/1/10 Reporting

## Part B State Performance Plan (SPP) for 2009-2010

Overview of the State Performance Plan Development:

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority:</b> <b>FAPE in the LRE</b>
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**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma.

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

<p><b>Measurement:</b> States must report using the graduation rate calculation and timeline established by the Department under the ESEA.</p>
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<p>The BIE reports the graduation calculated as a four year cohort.</p>
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### Overview of Issue/Description of System or Process:

The BIE has moved to the four year cohort formula for calculating graduation rates. All measures will be reported for the All group as well as the Students with disabilities (SWD). The BIE will use the four year cohort concept for graduation calculations.

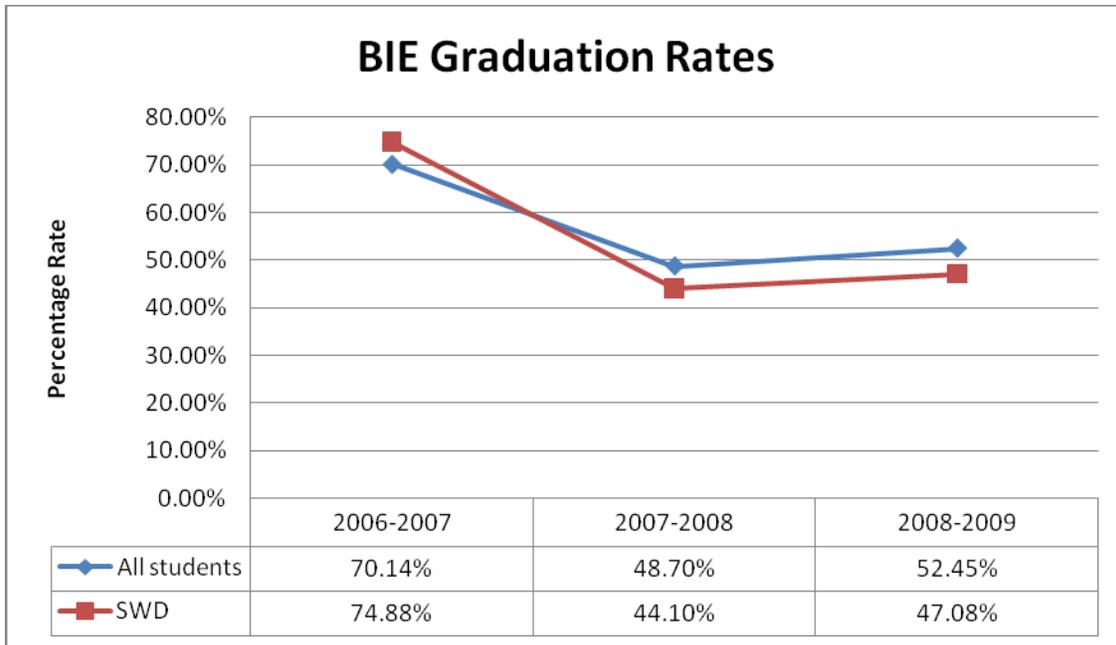
### Data for FFY 2008 (2008-2009):

General Education	52.45%
Students with Disabilities	47.08%

The national graduation rate for American Indian students is reported as between 51% and 54%. The Manhattan Institute has published an *Education Working Paper* (September 2003) that references the fact that rates vary by regions of the country (p19). They indicate that in the Northwest region the graduation rate for American Indians is as much as 40% below that of white students. (p30).

National data for American Indian students with disabilities was not found

### SY 2008-2009 High School Graduation Rates by the All Students and the SWD Subgroups.



**Discussion of Baseline Data:**

The above data shows a three year trend that reflects the change between using the varied methods of calculation by state to using the four year cohort concept across all 22 states (in one state the BIE has no high school).

**Targets:**

The targets below are used so that in each state, which has a different graduation rate requirement, it can be determined how a single school has or has not made progress toward meeting the goal for graduation rate in that state. For ESEA reporting the graduation rate, BIE or by school is submitted. The 22 different AMOs or final goals are not submitted.

<b>2008 (2008-2009)</b>	The gap between graduation rate for SWD and the <i>All students</i> rate will decrease by .5% from the previous year. The 2007-2008 gap was 4.6%. The gap for 2008-2009 should be no more than 4.1%
<b>2009 (2009-2010)</b>	The gap between graduation rate for SWD and the <i>All students</i> rate will decrease by .5% from the previous year. The 2008-2009 gap was 5.37%. The gap for 2008-2009 should be no more than 4.87%.
<b>2010 (2010-2011)</b>	The gap between non-disabled peers and students with disabilities will decrease by <b>4.5 percent</b> over previous year.

**Improvement Activities/Timelines/Resources**

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCE</b>
1. Compliance Monitoring activities to include components of general supervision necessary to determine root cause(s) of any identified noncompliance findings.	SY 2009-2010	DPA
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	SY 2009-2010	DPA
3. WebEx on transition topics presented to all schools.	2009-2010	DPA
4. Local School Performance Plan (LSPP) review process, providing feedback and technical assistance to schools.	2009-2010	DPA

## Part B State Performance Plan (SPP) for 2009-2010

### Monitoring Priority: FAPE in the LRE

**Indicator 2:** Percent of youth with IEPs dropping out of high school. ~~compared to the percent of all youth in the BIE schools 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.

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

The BIE has the same responsibility as do public schools to take positive actions to address the student drop-out problem. It is different in that American Indian students have a choice between attending a BIE school or a public school. Movement between the BIE and the local public school is often frequent and not always well tracked. There are also six Off Reservation Boarding Schools (ORBS) run by BIE that are located throughout the nation and have students enrolled that come from home communities in other states. When these students do not return after a school vacation, it is often very hard to contact the family or local schools to determine if a student has enrolled elsewhere. The NASIS system will allow the tracking of students who leave one BIE school and attend another, however, it will not provide for the tracking of students who leave and enter a public school.

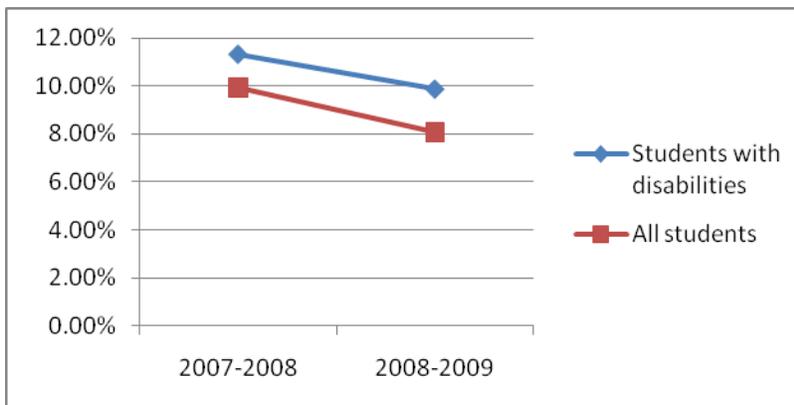
The drop-out data collection reported in the APR is collected and calculated in the same manner as that reported under the ESEA.

#### Data for FFY 2008 (2008-2009):

##### Bureau wide summary

All students	8.08%
Students with Disabilities	9.89%

#### Two Year Trend:



**Discussion of Current Data:**

There was a reduction of the drop-out rate for both the All and the SWD group. The gap between the two groups has grown.

**Targets:**

FFY	Measurable and Rigorous Target
2009 (2009-2010)	The drop-out rate of students with disabilities attending OIEP operated High Schools will not exceed 9.3%
2010 (2010-2011)	The drop-out rate of students with disabilities attending OIEP operated High Schools will not exceed 9.0%

**Improvement Activities/Timelines/Resources:**

**Improvement Activities / Timelines / Resources for 2009-2011:**

ACTIVITY	TIMELINE	RESOURCE
1. Compliance Monitoring activities to include components of general supervision necessary to determine root cause(s) of any identified noncompliance findings.	SY 2009-2010	DPA
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	SY 2009-2010	DPA
3. WebEx on transition topics presented to all schools.	2009-2010	DPA
4. Local School Performance Plan (LSPP) review process, providing feedback and technical assistance to schools.	2009-2010	DPA

## **Part B State Performance Plan (SPP) for 2009-2010**

### **Overview of the State Performance Plan Development:**

**Monitoring Priority: FAPE in the LRE**

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

- A. Percent of schools (OIEP does not have districts) meeting the State's Adequate Yearly Progress (AYP) objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate 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)].

**Data for FFY 2008 (2008-2009):**

**Summary Actual Target Data - Combined A., B. and C.**

FFY 2008	Measurable and Rigorous Targets									
	Districts Meeting AYP for Disability Subgroup (3A)		Participation for Students with IEPs (3B)				Proficiency for Students with IEPs (3C)*			
Targets for FFY 2008 (2008-2009)	9 schools		Reading		Math		Reading		Math	
			95%		95%		%		%	
Actual Target Data for FFY 2008 (2008-2009)	#	%	#	%	#	%	#	%	#	%
		13	25.00**	3787	96.95%	3739	97.75	595	15.71	567

BIE has some schools that use Language Arts and some states that use Reading. Per OSEP guidance, BIE combines results for the two and reports all under the Reading reporting.

**Targets**

**A. Adequate Yearly Progress Targets:**

FFY	Measurable and Rigorous Target
2009 (2009-2010)	Of the schools with sufficient “n” for calculation 1 more schools than baseline (3 schools) will achieve AYP for the students with disabilities subgroup.
2010 (2010-2011)	Of the schools with sufficient “n” for calculation 2 more school than baseline (3 schools) will achieve AYP for the students with disabilities subgroup.

**B. Participation Rate Targets:**

FFY	Measurable and Rigorous Target
2009 (2009-2010)	96%
2010 (2010-2011)	96%

**C. Proficiency Rate Targets**

**(1) Language Arts, Reading and Math:** Because the BIE uses the assessments and the AYP calculations of 23 different states they cannot report a single goal in any of the academic areas. For ESEA reporting the BIE reports the total number proficient as identified by each states’ assessments and AMOs. All scores are cross-walked to *basic, proficient or advanced* and summed based on this score. Because BIE does not have a single goal (for All students or SWD) that is reported under ESEA they will continue to work toward closing the gap.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	Reduce the gap between the percent of “All” students achieving at the proficient/advanced level and the percent of students with disabilities achieving at the proficient or advanced level by 20% of the preceding year gap.
2010 (2010-2011)	Reduce the gap between the percent of “All” students achieving at the proficient/advanced level and the percent of students with disabilities achieving at the proficient or advanced level by 20% of the preceding year gap.

State guidelines for assessments, including but not limited to guidelines for accommodations, alternate assessment participation, and types of alternate assessments will be followed. Schools will be required to attend, as do state schools, all assessment trainings and to follow all procedural guidelines.

**Improvement Activities/Timelines/Resources:**

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCE</b>
<p>1. Technical assistance provided to all schools during the final rollout on the special education module in NASIS (Native American Student Information System).</p>	<p>Ongoing</p>	<p>On-going assistance provided by DPA and NASIS regional staff.</p> <p>NASIS is used by the schools and DPA as a data collection tool; it is also the platform for the web based BIE special education forms program.</p>
<p>2. Third Annual National Special Education Academy to include sessions relevant to Assessment Accommodations, Proficiency and effects on students with disabilities.</p>	<p>September 2009 San Diego, CA</p>	<p>The BIE will host the Fourth Annual Special Education Academy, September 2010. The Academy will include a session providing information on Indicator 3.</p>
<p>3. Promote coordination between Reading First, BIE Reads, Math Counts Programs, and school Special Education Coordinators.</p>	<p>On-going collaboration</p>	<p>To ensure assessment accommodations in all areas, collaboration with Reading and Math programs is essential.</p>
<p>4. Disseminate information on the appropriate use of assessment accommodations, using conference sessions, joint presentations with accommodations/assistive technology groups.</p>	<p>SY 2009-2010</p>	<p>Training will be provided to BIE Special Educators, to support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities.</p>

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCE</b>
5. State accountability assessment data results will be reviewed and verified with each school by the BIE Data Unit.	Fall of 2009	Ensure reporting of valid and reliable data pertaining to statewide assessments. This process enables schools to understand how their AYP status is determined. Data collection has improved after 4 years of NASIS implementation.

**Justification 2009-2010:**

Coordination between BIE programs, ( i.e. BIE Special Education Program, BIE Data Unit, Reading First, BIE Reads, Math Counts, Title Programs, and BIE School Special Education Coordinators), is essential in promoting the importance of assessment accommodations for students with disabilities. Educating school staff on the appropriate use and types of assessment accommodations is a critical step to successful participation in assessments for students with disabilities. Continued review and verification of school assessment data, by the BIE Data Unit, is crucial to the improvement of the collection of reliable and valid data.

**Part B State Performance Plan (SPP) for 2009-2010**

**Overview of the State Performance Plan Development:**

**Monitoring Priority: FAPE in the LRE**

**Indicator 4: Rates of suspension and expulsion:**

- A. Percent of agencies (OIEP does not have districts) identified by OIEP 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; and
- B. Percent of agencies identified by OIEP as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Measurement:**

- A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions

and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.

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

Include State’s definition of “significant discrepancy.”

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

Suspension and expulsion data is collected via the Native American Student Information System (NASIS). BIE is currently in the process of reviewing the behavior codes and terminology so as to ensure accurate and consistent data in this area.

**Baseline Data for FFY 2008 (2008-2009):**

**High School (Secondary Schools) Suspension-Expulsion data:**

The BIE includes in the secondary group any school that includes a 12<sup>th</sup> grade. The BIE has 60 schools in this category. The significant discrepancy is defined as two times the category average. **6.45% X 2 = 12.90%.**

**Secondary Suspensions and Expulsions > 10 Days**

<b>Secondary Schools Having Significant Discrepancy in Suspension/Expulsion Rates &gt;10 Days</b>			
<b>School</b>	<b>Grade Level</b>	<b>SWD Count</b>	<b>Rate S/E &gt;10 days</b>
Many Farms High	9-12	71	15.49%
Greyhills Academy High	9-12	78	16.67%
Cibeqe Community	K-12	44	22.73%
Crow Creek Reservation High	6-12	18	22.22%
Lower Brule Day	K-12	45	17.78%
Nay-Ah-Shing	K-12	37	18.92%
Riverside Indian	4-12	104	21.15%
Chief Leschi	K-12	151	15.89%
Yakama Tribal	9-12	12	66.67%
Choctaw Central High	9-12	87	14.94%

The BIE has determined that ‘n’s below 20 may yield data of limited reliability. The schools in this category will be notified of their numbers just as the other schools. With their low numbers

of SWD, an individual incident of suspension and/or expulsion can have a significant effect on their rate.

**Elementary Suspension-Expulsion data:**

The BIE includes in the elementary group any school that includes any grades between kindergarten and eighth but does not include grades nine through twelve. The significant discrepancy is defined as two times the category average.  $1.92 \times 2 = 3.84\%$

**Elementary Suspensions and Expulsions > 10 Days**

<b>Secondary Schools Having Significant Discrepancy in Suspension/Expulsion Rates &gt;10 Days</b>			
<b>School</b>	<b>Grade Level</b>	<b>SWD Count</b>	<b>Rate S/E &gt;10 days</b>
Menominee Tribal	K-8	47	4.26%
Cottonwood Day	K-8	23	4.35%
Shonto Preparatory	K-8	31	6.45%
Crystal Boarding	K-6	4	25.00%
Wide Ruins Community	K-6	13	15.38%
Santa Rosa Boarding	K-8	18	16.67%
Theodore Roosevelt	6-8	13	30.77%
Shoshone-Bannock	K-8	29	6.90%
Dzilh-Na-O-Dith-Hle	K-8	35	8.57%
T'siyaa Day	K-7	13	7.69%
Coeur d'Alene Tribal	K-8	20	10.00%
Paschal Sherman Indian	K-9	40	15.00%
Beatrice Rafferty	K-8	18	11.11%
Choctaw Central Middle	7-8	30	6.67%
Ojibwa Indian	K-8	39	12.82%
Turtle Mountain Middle	6-8	58	15.52%

The above schools are 16 of 114 schools in the elementary group. Crystal Boarding, Wide Ruins Community, Santa Rosa Boarding, Theodore Roosevelt, T'siyaa Day, and Beatrice Rafferty are highlighted in green due to the small 'n'. The BIE has determined that 'n's below 20 may yield data of limited reliability. The schools in this category will be notified of their numbers just as the other schools. With their low numbers of SWD, an individual incident of suspension and/or expulsion can have a significant effect on their rate.

**Discussion of Baseline Data:**

In a recent NCES report, 38% of American Indian students between grades 7<sup>th</sup> to 12<sup>th</sup> have been suspended at some time. In comparison Blacks were reported at 35%, Hispanics at 20%, Whites at 15% and Asians at 13%. The indicator here is based on a single year while the NCES report was over a multiple year period, however, when extrapolated the overall numbers for the BIE are low.

BIE chose to separate Elementary schools vs High schools based on the different patterns of behaviors. In districts, as reported by states, each entity has the k – 12 span. This is not the case when reporting by schools.

**A. Rates of Suspension and Expulsion Targets**

FFY	Measurable and Rigorous Target
<b>2009 (2009-2010)</b>	No more than 7 of the BIE high schools or 8 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.
<b>2010 (2010-2011)</b>	No more than 6 of the BIE high schools or 7 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.

**B. Targets (Above by ethnicity) – Non applicable to OIEP**

**Improvement Activities/Timelines/Resources:**

ACTIVITY	TIMELINE	RESOURCES
<u>National Special Education Academy</u> 1. Third Annual National Special Education Academy to include Alternative to Suspension and Expulsion as breakout sessions for all schools.	SY 2009-2010  Completed	DPA  TAESE
<u>Improve Data Collection</u> 2. Systemic Implementation of a uniform data reporting system through the NASIS on 2009 leavers.	2009-2010  On-Going	DPA
<u>Improve Data Collection</u> 3. Further analysis of suspension/expulsion NASIS data will be	2009-2010  On-Going	DPA  Research Analyst.

completed so as to develop systemic improvement activities.		
<u>Improve Data Collection</u> 4. Further analysis of suspension/expulsion NASIS data will be completed so as to ensure correction of noncompliance as soon as possible, in no case >1 year from identification.	2009-2010 On-Going	DPA Research Analyst.
<u>Provide Technical Assistance</u> 5. Provide targeted technical assistance to schools identified as having 2 times the category average of suspensions / expulsions >10 days.	2009-2010 On-Going	DPA
<u>Clarify/examine/develop policies and procedures</u> 6. Ensure schools have school wide discipline policies and procedures in place.	2009-2010 On-Going	DPA MPRRC
<u>Incentive Programs Implementation</u> 7. Implement school wide incentive programs designed to improve behavior/attendance.	2009-2010 On-Going	DPA Title IV

<p><u>Positive Behavior Program</u></p> <p>8. Implement school wide positive behavior programs.</p>	<p>2009-2010</p> <p>On-Going</p>	<p>DPA</p> <p>Title IV</p>
<p><u>Conflict Resolution/Mediation Program</u></p> <p>9. Implement school wide conflict resolution/mediation programs.</p>	<p>2009-2010</p> <p>On-Going</p>	<p>DPA</p> <p>Title IV</p>
<p><u>Provide Technical Assistance</u></p> <p>10. Targeted technical assistance to schools identified as being in noncompliance &gt;1 year from identification in the areas of: (1) alternatives to suspension and/or expulsion, and (2) school wide positive behavior support.</p> <p>(Circle of Life Survival, Na' Neelzhiin Ji' Olta, and Ojo Encino)</p>	<p>2009-2010</p>	<p>DPA</p> <p>Title IV</p>
<p><u>Local School Performance Plan and Improvement Activities</u></p> <p>11. Ensure schools identified as being in noncompliance &gt;1 year from identification have school wide discipline policies and procedures in place through utilization of the Local School Performance Plan (LSPP). Ensure completion of LSPP section, "Indicator 4—rates of suspension and</p>	<p>2009-2010</p>	<p>Schools</p> <p>DPA</p> <p>Title IV</p>

<p>expulsion,” include anticipated date for implementation for improvement activities. Quarterly updates of Improvement Activities progress required. Verification of completion of LSPP activities utilizing Compliance Monitoring results.</p> <p>(Circle of Life Survival, Na’ Neelzhiin Ji’ Olta, and Ojo Encino)</p>		
<p><u>Indicator 4 A Self-Assessment Tool and Corrective Action Plan</u></p> <p>Ensure schools identified as being in noncompliance &gt;1 year from identification have school wide discipline policies and procedures in place through utilization of the Self-Assessment Tool. Ensure Completion of the following sections: Behavioral management and discipline Disciplinary Removals of Students with Disabilities Procedural Safeguards and IEP Implementation</p> <p>Corrective Action Plan for all non-compliance. Ensure plan includes anticipated completion date. A summary report will be required at the end of the year to document progress of Improvement Plan activities.</p> <p>Verification of completion of Corrective Action Plan activities utilizing Compliance Monitoring results.</p>		<p>Schools</p> <p>DPA</p> <p>Title IV</p>

<p>A summary report will be required at the end of the year to document progress of Improvement Plan activities.</p> <p>(Circle of Life Survival, Turtle Mountain Middle, Ojibwa Indian, Na' Neelzhiin Ji' Olta, and Ojo Encino)</p>		
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**Part B State Performance Plan (SPP) for 2005-2010**

**Overview of the State Performance Plan 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:**

Data for environment are currently collected via NASIS. This information is verified against school enrollments with each school by all elements for each individual child. For the BIE any child who is five by December 31<sup>st</sup> of any school year is school age. That means that the Child Count and Environment data we collect includes students as young as four up to age 22. For this report, we provide the data for six to 22 year olds as is required but we also report numbers for four and five year olds. This supports the public reporting requirement.

**Data for FFY 2008 (2008-2009):**

The baseline data reflects the percentage of students served in each of the environment categories as calculated from the count and description of placements as reported on the October 30, 2009, Table 3 submission. The separate facilities and homebound/hospital categories are combined due to the very small numbers.

**FFY 2008 Environments Distribution**

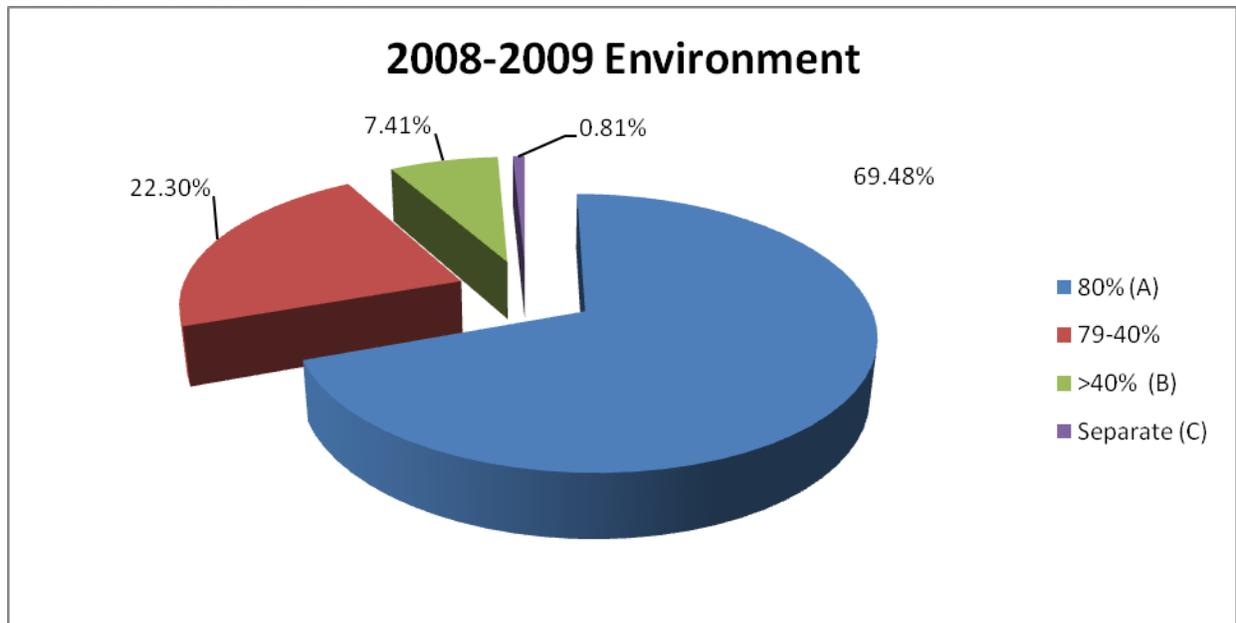
Category	Ages 6-21	%	Ages 4-21	%
Inside gen. ed. ≥ 80%	4447	69.48%	4751	70.59%
Inside gen. ed. 40-79%	1427	22.30%	1427	21.20%
Inside gen. ed. <40%	474	7.41%	480	7.13%
Separate combined	52	.81%	72	1.07%

Total	6400	100.00%	6730	100.00%
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**Environment SY2008-2009 SY 2006-2007, 2007-2008, 2008-2009**

Placement	+80% (A)	79-40%	>40% (B)	Separate (C)
Comparison, ages 6 – 21				
2006-2007	65.01%	25.23%	8.92%	.84%
2007-2008	64.17%	25.94%	9.08%	.82%
2008-2009	69.48%	22.30%	7.41%	.81%
Comparison, all school age per BIE school system.				
2008-2009	70.59%	21.20%	7.13%	1.07%

**Environment SY2008-2009**



Note: BIE does not have early Part B programs. There are a few 4 and 5 year olds in BIE schools in kindergarten that are reported in the 3 to 5 year section of Table 3. The BIE considers these students as a part of their school age programs however they are not included in the .

**Environment Trends**

	FFY 2006 Data	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target
<b>A. Inside the regular class 80% or more of the day</b>	65.01	64.17	69.48	65.17

<b>B. Inside the regular class less than 40% of the day</b>	<b>8.92</b>	<b>9.08</b>	<b>7.41</b>	<b>8.58</b>
<b>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</b>	<b>.84</b>	<b>.82</b>	<b>.81</b>	<b>.45</b>

**Discussion of Baseline Data:**

As a system OIEP has a high percentage of students (56.64%) served outside the general education classroom less than 21% of the school week. The above data shows that a majority of students receive services with their non-disabled peers. The fall 2004 data is consistent with data from the 2003 fall count, when compared to other states, OIEP was three percentage points higher than the national average. (BIE 62%; National Average 59%, US DOE, OSEP, Data Analysis System)

When looking at the very small numbers reflected as being placed in the most restrictive environments note that placement of students in such facilities is slightly different than most states. When a BIE student is in need of a separate facility placement there is close coordination with the states and a student may be placed in a state-run facility and transfer to the state reporting, i.e., a child is enrolled in the state facility for the deaf.

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

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009 (2009-2010)</b>	<b>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.</b>  <b>Target Goal (70.48%)</b>
<b>2010 (2010-2011)</b>	Show at least a 1% growth in the numbers of students receiving appropriate special education services outside the general education <21 % of the time.

**B. Removed from regular class greater than 60% of the day**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009 (2009-2010)</b>	Show at least a .5% decrease in the numbers of students receiving appropriate special education services outside the general education >60 % of the time.

<b>2010 (2010-2011)</b>	Show at least a .5% decrease in the numbers of students receiving appropriate special education services outside the general education >60 % of the time.
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**C. Private or separate schools, residential placements, homebound or hospital placements.**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009 (2009-2010)</b>	No more than .45% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings.
<b>2010 (2010-2011)</b>	No more than .45% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings.

**Improvement Activities/Timelines/Resources:**

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCE</b>
1. The BIE hosted the third annual national special education academy. To train school staff on indicator and activities.	September 2009	DPA MPRRC
2. Continue NASIS interchange activities to train 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.	SY 2008-2009 and on-going	DPA Infinite Campus
3. Systemic WebEx trainings on Least Restrictive Environment, Procedural Safeguards, National Instructional Materials	Spring 2010	DPA

Accessibility Standards, and Assistive Technology.		
4. Implementation of Policies and practices related to the National Instructional Materials Accessibility Standard (NIMAS)?	Spring 2010	DPA NIMAS workgroup
5. Formation of a NIMAS workgroup to address/problem solves systemic instructional materials accessibility issues for students with blindness and/or visual impairment and print disability.	Spring 2010	DPA Schools volunteers
6. Implementation of policies and practices in providing assistive technology devices and/or services to enhance, increases, or maintain the physical and/or mental capabilities of students with learning and/or physical disabilities.	Spring 2010	DPA
7. Blind/Visually Impaired Resources Guide disbursed to the BIE schools identified having student with blindness and/or visual impairment.	Spring 2010	DPA NIMAS workgroup
8. Assistive Technology Resources Guide disbursed to the BIE schools.	Spring 2010	DPA NIMAS workgroup

## **Part B State Performance Plan (SPP) for 2005-2010**

### **Overview of the State Performance Plan Development:**

**NOTE:** OIEP does not serve pre-school children (Early Childhood Part B) Five year olds in kindergarten are served in school-age programs.

**Monitoring Priority: FAPE in the LRE**

**Indicator 6:** Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

**NOTE:** OIEP does not serve pre-school children (Early Childhood Part B) Five year olds in kindergarten are served in school-age programs.

**Monitoring Priority: FAPE in the LRE**

**Indicator 7:** Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

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

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan 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.

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

The BIE has adopted the National Center for Special Education Accountability Monitoring (NCSEAM) survey to address this indicator. The information gathering will follow the following steps:

- Copies will be distributed to all Bureau funded schools
- Schools will be asked to distribute the survey to all parents of SWD
- Schools will be asked to invite parents to participate as they come into the school, with one-on-one support as needed; and
- Parents who do not come to the school are to be contacted via a home visit or telephone contact where possible
- The data collection period will coincide with the school year
- Assistance in collating and analyzing is being contracted.

**Baseline Data for FFY 2008 (2008-2009):**

**Percent of Parents Who Report the School Facilitated Their Involvement 3 – Year Trend**

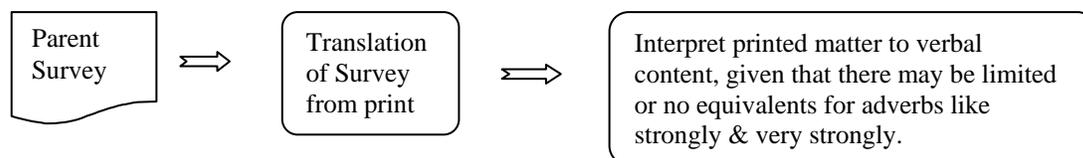
	<b>FFY2006</b>	<b>FFY2007</b>	<b>FFY2008</b>
Total number of Parent Respondents	2,087	3,143	4,052
Number who reported school facilitated their involvement	689	1,037	1,363
Percentage who reported school facilitated their involvement	33%	33%	34%

**Discussion of Baseline Data:**

The above baseline data was developed using the aforementioned tool exactly as is indicated in its development. T scoring rubric scores are (high to low) very strongly agree, strongly agree, agree, disagree, strongly disagree, very strongly disagree. The BIE asserts that the three top categories, and separately the three bottom categories, do not have the same conceptual distinction to many parents from the Native community as this has for non-Native. Therefore BIE is also submitting baseline data which includes all categories of ‘agree’ as indicating parents satisfaction.

It is hypothesized that the second number is more representative of parents’ belief regarding this indicator. There are several factors that were considered in making this hypothesis. Many of our parents have limited English proficiency. This makes the finer level of discrimination a more complex task and it is not clear that the variations of ‘Agree’ are understood as significantly different. To respond ‘Agree’ can be interpreted as sufficient to indicate satisfaction with the schools activities.

In some schools, staff read the survey instrument to parents. However, this requires two different processes. Based on one source, “the difference between interpreting and translation is only the difference in the medium: the interpreter translates orally, while a translator interprets written text. (retrieved on 1/20/10 from <http://www.ricintl.com/interpreting-vs-translation-services.html>). Thus, in situations where a staff person reads the survey instrument to the parent, the initial step is translation followed by interpretation. Although many Native languages are written, few can read the linguistically based alphabet. See process below that depicts roughly the steps in reading the survey.

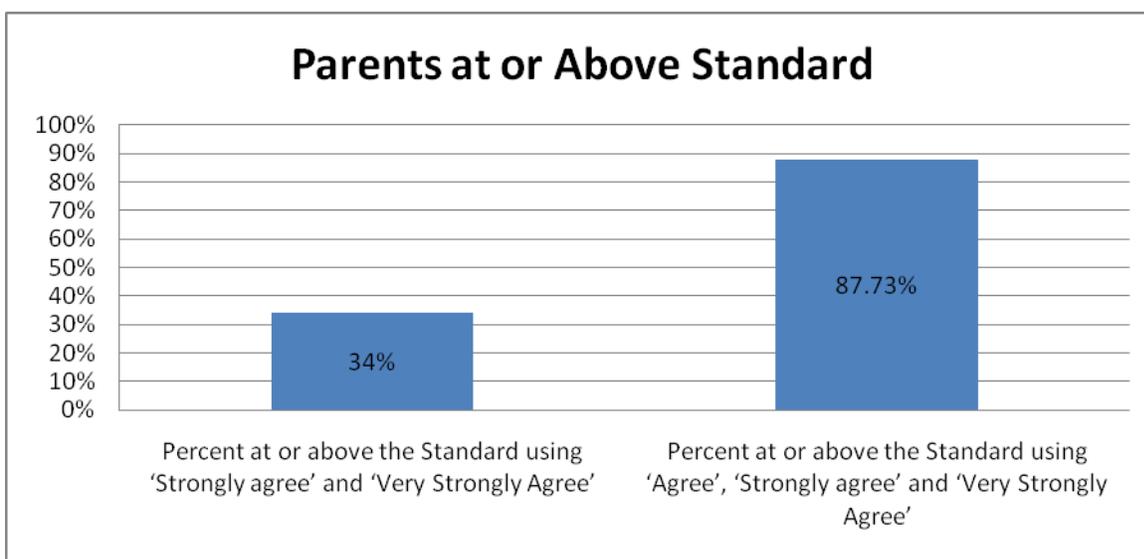


Based on one example, would one ask a parent if they ‘agree’ with a statement or if they ‘agree, agree’ or yet perhaps if they ‘agree, agree, agree’? This would simply be a redundant question. One would simply agree or disagree with no need to further qualify the response.

We contend that even in circumstance where parents understand English, competence of language may be at the level of surface structure rather than deep structure. Thus, an individual may have an understanding of words, yet the meaning of a sentence may be diminished due to the sentence structure, dual meaning of words, or perhaps idiosyncratic use of words.

**Percent of Parents at or Above Standard (Graph Below)**

Percent at or above the Standard using ‘Strongly agree’ and ‘Very Strongly Agree’	Percent at or above the Standard using ‘Agree’, ‘Strongly agree’ and ‘Very Strongly Agree’
<b>34%</b>	<b>87.73%</b>





ACTIVITY	TIMELINE	RESOURCE
<p><b>Justification:</b> To ensure a higher response rate and facilitate communication among schools, the follow-up component will be utilized</p>		
<p><i>Summer 2010</i></p> <p>3. Parent Resources Brochure and post information for parents on the website</p> <p>4. Special Education Academy session and/or booth for parents</p> <p>5. Review survey results and gather feedback on issues related to the Parent Survey. Possible uses of the results may include the following:</p> <ul style="list-style-type: none"> <li>a. Identify effective communication strategies.</li> <li>b. Identify disconnects between school and parents.</li> <li>c. Identify and address areas of parent dissatisfaction.</li> </ul>	<p>June and July 2010</p> <p>May 2010</p> <p>August 2010</p>	<p>DPA staff, National Parent Training Center, CADRE <a href="http://www.bie.edu/home">http://www.bie.edu/home</a></p> <p>DPA Staff / Vendor issued report</p>
<p><b>Justification:</b> Based on the evaluations from the 2009 Special Education Academy, the LSPP data, and as a priority of the BIE National Special Education Advisory Board, there is a need for more parent training and information.</p>		
<p><i>Fall 2010</i></p> <p>6. BIE National Special Education Academy</p>	<p>On-going</p> <p>September 14-16, 2010</p>	<p>DPA Staff / National presenters, TAESE</p>

ACTIVITY	TIMELINE	RESOURCE
<p><b>Justification:</b> BIE will provide school, Education Line Office, Associate Deputy Director staffs and parents with the most current information on critical issues in special education.</p>		

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

*(The following items are to be completed for each monitoring priority/indicator.)*

#### Monitoring Priority: Dis-proportionality

**Indicator 9:** Percent of agencies with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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

#### Measurement:

Percent = # of agencies with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

**Source:** Indian Student Equalization Program (ISEP)

**Note:** The data vary from the data shown on Table 1 (618 Child Count) because the data reported here are from the student roster used for funding purposes. The Child Count includes non-ISEP eligible students (primarily students who do not qualify as American Indian for funding purposes but who may have some blood quantum American Indian and attend Bureau funded schools).

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

**BIE does not report on this indicator.**

**Part B State Performance Plan (SPP) for 2005-2010**

**Overview of the State Performance Plan Development:**

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Dis-proportionality**

**Indicator 10:** Percent of agencies or schools with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

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

**Measurement:**

Percent = # of agencies with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of agencies in OIEP times 100.

Include OIEP's definition of "disproportionate representation."

Describe how OIEP determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

**The BIE does not report on this indicator.**

## Part B State Performance Plan (SPP) for 2005-2010

*(The following items are to be completed for each monitoring priority/indicator.)*

### Monitoring Priority: Effective General Supervision Part B / Child Find

**Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

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

#### Measurement:

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

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

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

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

During SY 2008-2009, the BIE data collection tool was revised to an Access data based program which contains one item with subsets that capture data for this Indicator. The revised data collection tool includes students that were referred and evaluated for special education services and determined not to be eligible.

DPA conducted training on the revised monitoring data collection tool with the compliance monitoring reviewers. The revised data collection tool captured the following data for this Indicator:

1. Was the evaluation completed? Y or N
2. Was/will the evaluation (be) completed within 60-days? Y or N
3. How many days beyond 60 did the evaluation require for completion?
4. If the evaluation took/is taking longer than 60-days, why?

When the compliance monitoring reviewer completed the student with disabilities file reviews they provided the school with a Compliance Monitoring Report that included the following items:

1. Individual Student Report
2. School Summary Report
3. Written notification of noncompliance
4. Analysis report
5. Corrective Action Forms A & B
6. Entrance and Exit form

Corrective Action Plan, Form A, will be utilized to address activities and correction of noncompliance items identified in the Compliance Monitoring Report within 45 days of notification. Form B was to be used to correct non FAPE items within one year.

**Baseline Data for FFY 2004 (2004-2005):**

For SY 2007-2008 the findings were reported as each individual file which contained a parent signature for evaluation, referral and assessment data, and documentation of a completed evaluation. For SY 2008-2009 (correction due in SY 2009-2010) findings will be a systemic pattern in a school. The BIE has redefined a finding as being a systemic issue at a school. This is described in more detail in Indicator #15. BIE is cognizant that even though a finding is a systemic pattern, each individual child specific item must be corrected before that non-compliance area can be identified as verified as corrected.

The following Table is being completed twice. That will allow OSEP to see the non-compliances reported as single items and as schools with systemic issues. They will be reported in the Indicator #15 worksheet as systemic issues (schools out of compliance).

**Items:**

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	<b>200</b>
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	<b>199</b>
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>1</b>

**Systemic:**

4. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	<b>39</b>
5. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	<b>38</b>
6. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>1</b>

**Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):****Items:**

1. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	<b>1</b>
2. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>1</b>
3. Number of FFY 2007 findings <u>not</u> verified as corrected [(4) minus (5)]	<b>0</b>

**Systemic:**

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	<b>1</b>
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>1</b>
6. Number of FFY 2007 findings <u>not</u> verified as corrected [(4) minus (5)]	<b>0</b>

**Discussion of Baseline Data:**

The purpose for reporting two ways above is to facilitate having baseline data reported in a format that will facilitate tracking via the BIE definition of a finding in the future.

BIE has had some difficulty with compliance with this indicator. Many BIE schools are located in isolated areas with little access to the related service personnel who provide these services, no close communities in which these services are available and even when available, the schools are not large enough to direct hire and services are on a limited schedule.

The school for which verification of correction was not completed had only one file which reflected a timeline issue. In the revised definition of a finding this would not be considered a finding. The schools would be required to respond with a discussion of how the item was addressed and what was put into place to avoid this happening again.

FFY	Measurable and Rigorous Target
<b>2009 (2009-2010)</b>	<b>100%</b>
<b>2010 (2010-2011)</b>	<b>100%</b>

**Improvement Activities/Timelines/Resources:**

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCE</b>
1. Revise the Compliance Monitoring tool.	March 2010	BIE Staff ELO Staff

<p>2. Provide training on the revised tool to the Special Education Compliance Monitors responsible for conducting the on-site special education file reviews and data collection.</p>	<p>March 2010</p>	<p>BIE Staff</p>
<p>2. Special Education Monitors will conduct files reviews at each school utilizing the revised compliance monitoring tool.</p>	<p>March-June 2010</p>	<p>BIE Staff ELO Staff</p>
<p>3. Special Education Monitors will conduct the compliance monitoring for SY 2009-2010 and will verify that the noncompliance findings identified in the SY 2008-2009 have been corrected and verified closed out.</p>	<p>March-June 2010</p>	<p>BIE Staff ELO Staff</p>
<p>4. Notify schools of the noncompliance findings and/or systemic findings identified in the SY 2009-2010 compliance data collection process. Notification of compliance and noncompliance in the Compliance Report will include their overall compliance rating for the files reviewed.</p>	<p>March-June 2010 (date of review)</p>	<p>BIE Staff ELO Staff</p>
<p>5. Schools are required to submit a Corrective Action Plan (CAP) to show and/or demonstrate correction and close out noncompliance findings (e.g., FAPE with 45-days and non-FAPE no later than one-year from date of written notification).</p>	<p>As soon as possible and no later than one-year.</p>	<p>BIE Staff ELO Staff</p>

<p>1. The BIE must report on the correction and verification of the correction of the five noncompliance items previously cited. This must include (1) verification that there is correct implementation of the regulatory requirements, and (2) That the initial evaluations for the</p>	<p>The verification of correction was done by a file review by an ELO/Staff who indicate they have reviewed the needed documents and have ascertained the corrections have been made.</p>
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specific students have been completed.	
2. The BIE must review, and revise if necessary, its improvement activities.	These are included.

**Revisions, with Justification, to Improvement Activities/Timelines/Resources for FFY 2008 (if applicable):**

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCE</b>
1. Revise the Compliance Monitoring tool and provide training on the revised tool to the staff member responsible for the conducting the on-site special education file reviews and data collection.	Spring 2010	BIE staff ELO staff
2. Conduct files reviews at each school utilizing the revised compliance monitoring tool.	January—March 2010	BIE staff ELO staff
3. Reviewers conducting the compliance monitoring data for SY 2009-2010 will verify that the noncompliance findings identified in the SY 2008-2009 data have been corrected and closed out.	February—April 2010	BIE Staff ELO Staff
4. Notify schools of the all noncompliance findings and/or systemic findings indentified in the SY 2009-2010 compliance data collection	October 2010	BIE Staff ELO Staff

<p>process. Notification will include their overall compliance rating from the files reviewed.</p>		
<p>5. Requested schools to submit a correction action plan to correct all noncompliance findings. (e.g., FAPE within 45-days and non-FAPE no later than one year from date of written notification).</p>	<p>March 2011</p>	<p>BIE Staff ELO Staff</p>

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

NOTE: The OIEP does not administer the Part C or Part B Early Childhood programs. OIEP has no direct responsibility until a student enters kindergarten in a Bureau funded school.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
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**Indicator 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.

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

**The BIE does not report on this indicator.**

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan 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.

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

A review of files, which includes a determination of whether an IEP for a student 14 or older is completed correctly, is done during the Compliance Monitoring process which is on-site verification. The information gathered is logged into an electronic program and the summary reports are forwarded to DPA.

During the compliance monitoring process each Agency Staff is required to review all files of students 16 or older.

#### Baseline Data for FFY 2008 (2008-2009):

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 95.23%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	21
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the	20

finding)	
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

**Discussion of Baseline Data:**

The baseline data indicates that there is not 100% compliance in this area. There is improvement over the observation referenced in 2007 Annual Progress Report.

Note that the BIE definition of a finding and the reported issues may include multiple issues at one site. See discussion in Indicators #11 and #15.

FFY	Measurable and Rigorous Target
<b>2009 (2009-2010)</b>	100%
<b>2010 (2010-2011)</b>	100%

**Improvement Activities/Timelines/Resources:**

**Improvement Activities / Timelines / Resources for 2009-2011:**

ACTIVITY	TIMELINE	RESOURCE
1. Compliance Monitoring activities to include components of general supervision necessary to determine root cause(s) of any identified noncompliance findings.	SY 2009-2010	DPA
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	SY 2009-2010	DPA
3. WebEx on transition topics presented to all schools.	2009-2010	DPA
4. Local School Performance Plan (LSPP) review process, providing feedback and technical assistance to schools.	2009-2010	DPA

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan 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.

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

Up to one year post spring graduation schools were asked to respond to a questionnaire asking about the status of recent graduates relative to employment or school status at that time. The responses received reported on 327 graduates. Of those 75% were either employed (46.1%) or engaged in a learning activity (53.9%).

Category	#	% <sup>1</sup>
Total number of leavers:	413	100%
Students unable to contact:	44	10.65%
Students reported on:	369	89.35%
Students employed:	150	40.65%
Students in post secondary school:	73	19.78%

Students in both categories:	77	20.87%
Students reporting no activity	69	18.70%

<sup>1</sup>Percent reported is percent of responders, last four rows.

### **Baseline Data for FFY 2004 (2004-2005):**

Care must be taken when looking at employment statistics for American Indian exits from high school to consider the employment rate reported for Native Americans as a whole. Since OIEP schools are located in twenty-three the national rates for unemployment will be used as a criteria in determining realistic targets for this indicator.

National rates of unemployment are reported as falling between 42% (National American Indian Housing Council, Sept. 2005) to 46% (Center for Community Change, 2004 data). These numbers are corroborated by 2002 census data reporting that only 59.1% of Native American house holds have reported a householder holding a full-time job.

To collect the data required to respond to this indicator schools will be asked to do the following:

1. Each school must identify all students 16 years and older who exited the system during SY 2004-2005 (July 1 to June 30) as follows:
  - a. Graduated with a regular diploma
  - b. Received a certificate of completion
  - c. Dropped out
  - d. Students who did not return from the previous year and are not known to be enrolled elsewhere
2. Between April and May of SY 2006 the school will:
  - a. Establish contact with student or individual having knowledge of the student and
  - b. Ascertain if the individual is
    - i. Competitively employed,
    - ii. Enrolled in a post secondary learning experience, or
    - iii. Neither of the above.
3. Collate information into a single report and forward results to CSI.

The calculation of the rate of employment or engagement in a post secondary learning experience will be done at DPA.

### **Discussion of Baseline Data:**

The BIE has a high rate of return for this indicator. That rate of return indicates that the data provide is an accurate representative of graduates and their activities one year later

**Targets:**

**A. Percent enrolled in higher education**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009</b> (2009-2010)	<b>20.00%</b>
<b>2010</b> (2010-2011)	<b>20.5%</b>

**B. Percent enrolled in higher education or competitively employed within one year of leaving high school.**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009</b> (2009-2010)	<b>21%</b>
<b>2010</b> (2010-2011)	<b>21.5%</b>

**C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009</b> (2009-2010)	<b>60%</b>
<b>2010</b> (2010-2011)	<b>60.5%</b>

**Improvement Activities/Timelines/Resources:**

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCE</b>
1. Compliance Monitoring activities to include components of general	SY 2009-2010	DPA

supervision necessary to determine root cause(s) of any identified noncompliance findings.		
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	SY 2009-2010	DPA
3. WebEx on transition topics presented to all schools.	2009-2010	DPA
4. Local School Performance Plan (LSPP) review process, providing feedback and technical assistance to schools.	2009-2010	DPA

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

*(The following items are to be completed for each monitoring priority/indicator.)*

#### 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 2009	a. 0 b. 100%
FFY 2010	100%%

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

The BIE is currently revising its monitoring system.

- Schools will receive a site visit on a three year cycle
- Prior to the site visit each school must complete and submit a self-assessment during which they review their own program, identify areas of non-compliance or concern, develop a plan to address the issue and then complete a plan to address the issues.
- BIE has developed a Compliance Monitoring tool that will be used for on-site file review
- Due process activities that result in identification of non-compliance will be tracked
- BIE will be adding fiscal monitoring.

- After the monitoring, schools are advised of their areas of non-compliance and are required to submit a Corrective Action Plan.

**Baseline Data for FFY 2008 (2008-2009):**

A. 211 findings of non-compliance

B. 197 of the findings were verified a corrected. B./a = 93.36%

**Discussion of Baseline Data:**

**Targets:**

**A.**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009 (2009-2010)</b>	<b>Reduce number of non-compliance total by 3 % over baseline</b>
<b>2010 (2010-2011)</b>	<b>Reduce number of non-compliance total by 4 % over baseline</b>

**B.**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009 (2009-2010)</b>	100% of areas of non-compliance will be corrected as soon as possible, but in no case later than one year.
<b>2010 (2010-2011)</b>	100% of areas of non-compliance will be corrected as soon as possible, but in no case later than one year.

**Improvement Activities/Timelines/Resources:**

These will be developed after receipt of response from OSEP regarding 2008-2009 APR.

**Part B State Performance Plan (SPP) for FFY 2008 - 2010**

*(The following items are to be completed for each monitoring priority/indicator.)*

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

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

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

**Measurement:**

Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100.

Above from Attachment 1.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2008</b> (SY 2008-2009)	100%

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

Parents of students with disabilities, and students themselves when age appropriate, are provided a copy of the procedural safeguards pamphlets in which are outlined the process to be followed if they wish to take formal steps to initiate a complaint, mediation, a resolution session or a due process hearing. Included in the literature is a contact number at DPA if a parent does not wish to inform the school.

If a school receives a signed written complaint they are to forward that complaint to the Supervisory Education Specialist for Special Education, who in turn notifies the Solicitor's office to ensure all appropriate actions ensue.

The BIA contracts with Mountain Plains Regional Resource Center (MPRRC) to provide complaint investigators, mediators, and due process hearing officers. When DPA is notified of a complaint (or request for mediation or due process hearing) MPRRC is contacted and an individual is selected on a rotating basis to serve in the capacity required. Individuals serving in the identified capacity receive training coordinated by MPRRC prior to having their name added to the respective availability list.

**Baseline Data for FFY 2008 (2008 - 2010):**

In School Year 2008-2009, BIE received one signed written complaint that was filed. The complaint became pending because it was filed on June 30, 2009 which was at the end of fiscal year 2008-2009. This complaint was resolved in August 2009 within the 60 day timeline.

**Discussion of Baseline Data:**

. BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. It is hypothesized that the small community structure served by BIE schools leads to a less formal approach to possible problems.

**Targets**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009 (2009-2010)</b>	100%
<b>2010 (2010-2011)</b>	100%

**Improvement Activities/Timelines/Resources:**

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCES</b>
1. Reframe questions to identify noncompliance to include compliance and programmatic improvement activities.	March 1, 2010—June 30, 2010	Data Accountability Center Mountain Plains Regional Resource Center
2. Develop specific required procedures, guidelines, forms, timelines, and participants.	March 1, 2010—June 30, 2010	Data Accountability Center Mountain Plains Regional Resource Center
3. School Special Education Committee complete self-assessment with training support and facilitation from contractor.	Begin March 1, 2011	Bureau of Indian Education
4. School Special Education Committee submits results to BIE June 15, 2011.	June 15, 2011	Bureau of Indian Education
5. BIE reviews and conducts analysis to determine findings of noncompliance by October 30.	October 30, 2011	Data Accountability Center Bureau of Indian Education

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCES</b>
6. Notify in writing of findings of noncompliance by October 30.	October 30, 2011	Bureau of Indian Education
7. School special education committee develops a corrective action plan (CAP) with support from contractor within 10-days.		Bureau of Indian Education
8. Contractor will facilitate and support the implementation of CAP.	Ongoing	Bureau of Indian Education
9. BIE will verify the correction of noncompliance as soon as possible and no later than 12-months from date of written notification of noncompliance.	12-month from the date of written notification of noncompliance.	Data Accountability Center Bureau of Indian Education

#### COMPLIANCE MONITORING IMPROVEMENT ACTIVITIES

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCES</b>
1. Reviewing/evaluation and revision of the compliance monitoring tool to determine: <ul style="list-style-type: none"> <li>a. Regulations that need to be monitored,</li> <li>b. Aligning regulations monitored with B-15 worksheet for ease of reporting, and</li> <li>c. Ensuring validity and reliability of findings.</li> </ul>	March 1—June 30, 2010	Data Accountability Center Bureau of Indian Education Mountain Plains Regional Resource Center
2. Develop specific required procedures, guidelines, forms, timelines, and participants.	March 1—June 30, 2010	Data Accountability Center Mountain Plains Regional Resource Center
3. BIE conducts record reviews using NASIS at BIE and formulates a hypothesis.	October 1—December 30, 2010	Bureau of Indian Education
4. BIE goes on-site to test hypothesis and verify data and issue written notification on-site.	January 1—March 30, 2011	Bureau of Indian Education
5. School special education		Bureau of Indian Education

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCES</b>
committee develops a corrective action plan (CAP) with support from contractor within 10-days.		
6. Contractor will facilitate and support the implementation of CAP.	Ongoing	Bureau of Indian Education
7. BIE will verify the correction of noncompliance as soon as possible and no later than 12-months from date of written notification of noncompliance.	12-month from date of written notification of noncompliance.	Data Accountability Center Bureau of Indian Education

### SEIMP IMPROVEMENT ACTIVITIES

<b>ACTIVITY</b>	<b>TIMELINE</b>	<b>RESOURCES</b>
1. Identify and contract with outside resources to train, support, and facilitate the SEIMP process with individual schools.	August, 2010	Bureau of Indian Education
2. Training contractors on SEIMP process.	September, 2010 (pre or post-Academy)	Data Accountability Center Bureau of Indian Education
3. Develop a 3-year cycle for schools.	September, 2010	Bureau of Indian Education

## Part B State Annual Performance Report (APR) for FFY 2008

### Overview of the Annual Performance Report Development:

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

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

<b>Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100</b>
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FFY	Measurable and Rigorous Target
2008	100%

### Overview of System / Process:

See Indicator #16

### Baseline Data for 2008:

Three due process complaints were filed and all 3 were resolved in a resolution meeting.

$[(3.2(a) + 3.2(b)) \text{ divided by } 3.2] \text{ times } 100$

$0 + 0 \div 0 \times 100 = 0$

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009:**

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. It is hypothesized that the small community structure served by BIE schools leads to a less formal approach to possible problems.

**Revisions, with Justification, Improvement Activities / Timelines / Resources for 2008-2010**

See Indicator 16.

**Measurement:**

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

**Part B State Performance Plan (SPP) for 2005-2010**

**Overview of the Annual Performance Report Development:**

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

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

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

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

See indicator # 16.

**Baseline Data for FFY 2008:**

Three (3) due process hearing complaints were filed, and two (2) were resolved in resolution meeting with written settlement agreements. The third went into mediation and was resolved.

[3.1(a) divided by (3.1) times 100]

$2 \div 2 \times 100 = 100\%$

**Discussion of Baseline Data**

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. It is hypothesized that the small community structure served by BIE schools leads to a less formal approach to possible problems.

FFY	Measurable and Rigorous Target
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<b>2009 (2009-2010)</b>	<b>100%</b>
<b>2010 (2010-2011)</b>	<b>100%</b>

**Improvement Activities/Timelines/Resources:**

See Indicator 16.

**Part B State Performance Plan (SPP) for 2005-2010**

**Overview of the State Performance Plan Development:**

*(The following items are to be completed for each monitoring priority/indicator.)*

**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.

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

When a parent or guardian of a student with a disability voices a concern which focuses on services for a child with a disability or a request for a due process hearing is received the following actions will occur:

- the parents or guardian of the child will be advised of the opportunity to enter into a mediation session and will be notified of the legal parameters of that process, i.e., the establishment of a legally binding agreement
- if a mediation session is not accepted the school will proceed with a resolution session unless the parents and school waive the sessions in writing. 20 u.s.c.1415(f)(1)(B)
- if neither of the above result in resolution of the concerns and a due process hearing has been requested it must be provided within 30 days of the request.

**Baseline Data for FFY 2004 (2004-2005):**

One mediation session was held during 2004-2005. The mediation resulted in a mediation agreement.

The OIEP system is very small compared to state system. The OIEP system also has a very small rate of due process proceedings in the area of services for students with disabilities. The process requires all due process requests or any complaints to be forwarded to CSI immediately.

**Discussion of Baseline Data:**

It is difficult to develop measurable and rigorous targets for this indicator based on little past history surrounding this area. The very small numbers that might be found within the system make targets difficult to develop.

Considering that there is not a compliance factor which requires mediations to result in mediated agreements it is also difficult to set a target.

**Targets:**

FFY	Measurable and Rigorous Target
2009 (2009-2010)	To be developed
2010 (2010-2011)	To be developed

**Improvement Activities/Timelines/Resources:**

See Indicator #16.

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
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**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

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

<b>Measurement:</b>
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State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring accuracy).

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

The BIE has a student information system (Native American Student Information System – NASIS) which is being used to gather 618 data (except Personnel) and data for the Indicators on the State Performance Plan. For many of the items audit reports have been developed which allow BIE to identify items such as missing data, overlap students, data outside the expected range and others.

Training is provided at the yearly Interchange, held in the fall of each year, for system administrators at the school level, registrars who have responsibility to enter much of the data, special education teachers and others as decided by the school. There is also a BIE employed person that works with each of the three regions. These individuals respond to questions from the schools, go to individual schools to ensure data is being entered into the system properly. There is a dedicated Help Desk for BIE maintained at the vendor's location that both answers

questions but also proactively call schools to prompt them in submitting required when it is noted that there is a lack of entry into the system.

The NASIS system also contains an on-line special education component which allows viewing such items as IEPs and documents at DPA.

Each child on the Child Count is on a roster generated from NASIS and all count and placement data is verified as accurate.

**Baseline Data for FFY 2004 (2004-2005):**

All 618 Tables were submitted on time. The Annual Report was submitted on time. OSEP questioned the accuracy of data on the APR.

**Discussion of Baseline Data:**

With the use of a student information system (NASIS) data collections will have consistent definitions and codes as well as be less susceptible to the human error factor inherent in manual computations.

**Targets:**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2009 (2009-2010)</b>	<b>100% compliance</b>
<b>2010 (2010-2011)</b>	<b>100% compliance</b>

<b>Activity</b>	<b>Timeline</b>	<b>Expected Outcomes</b>
<b>1. Continue to provide training on both the data entry into the student information system.</b>	<b>Regularly scheduled training throughout the school year.</b>	<b>Better understanding of importance and process for data management.</b>
<b>2. Include data issues in compliance monitoring activities.</b>	<b>Spring 2011</b>	<b>Identify schools not reporting as required. Identify schools having trouble with accuracy in data.</b>
<b>3. Provide training on data retrieval from student information system.</b>	<b>October 2010.</b>	<b>Help schools use the data regarding their programs to guide improvement at both a student and a system level.</b>

