

**Annual Performance Report
2007-2008**

Bureau of Indian Affairs

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**2007-2008 Annual Performance Report
Bureau of Indian Education
Introductory Statement**

During SY 2007-2008 the Bureau of Indian Education (BIE) took significant efforts to improve the validity and reliability of data reporting. In past years, most BIE data collections were dependent upon school level entry (self reporting) into the Native American Student Information System (NASIS) or into the Bureau's Annual Report from the schools. For varied reasons, such as extreme staff shortages, complexity of terminology or assessments across twenty-three states and geographic situation, there had not been an ability to verify data at the school entry level. Hence, even with training regularly provided, there were errors in some data entries. There were also errors in some calculations, such as graduation rate.

After the data collection period (July 1 to June 30) ended for SY 2007-2008, field visits were made with each school. At these meetings, the school provided source data for an item, one example would be the actual assessment report from the State's vendor. That was checked against what was reported in NASIS or on the Annual Report from the school. In many instances, the information was not congruent. It was clear that this was primarily due to non-understanding rather than deliberate efforts to misconstrue the information. The process of going into the field and working directly with each school allowed the BIE to be sure that data collected and reported was accurate. More importantly, this process helped school level staff to better understand their own data so that the educational process within that school could be better informed.

Throughout the 2007-2008 Annual Performance Report, there will be areas for which the outcomes of the efforts to validate information have resulted in significant deviations from trends previously reported. In some instances, the difference appears to indicate significant slippage, however, the BIE strongly believes that their efforts to present more valid and reliable data have resulted in an improved Annual Performance Report. The validity of data presented is of greater importance than the comparison of that data to previously reported numbers when those previous numbers have not been verified at the same level of scrutiny.

The BIE system is comprised of 185 schools of which there are 173 academic programs and 12 residential only programs. All schools with academic programs are included in the data collections for these reports. For SY 2007-2008, there were 126 grant or contract schools and 59 BIE operated schools. The BIE provides funds to all schools however tribal groups have been granted or contracted to operate the tribally controlled schools. Both category of schools are treated the same relative to program management, monitoring and support. Due to legally defined relationships sanctions that are available to State school systems are not available within the BIE.

Stakeholder involvement

The BIE has continued to work with stakeholders to solicit input into the development of the Annual Performance Report (APR) 2009. Comprised of 15 members, the stakeholders include tribal representatives, special education teachers, education officials, service providers, parents of children with disabilities, state interagency coordination council members, local education officials, and BIE employees concerned with the

education of Indian children with disabilities. During the BIE Advisory Board for Exceptional Children meeting on January 23-24, 2009, the advisory board was provided a draft copy of the APR which they reviewed. They were provided an opportunity to comment on the revised targets of the APR 2009. This was documented on the Advisory Board's meeting agenda. In April of 2008, the BIE did not have an active Advisory Board, however, a group of stakeholders was gathered to review special education data during the 2nd Annual Special Education Data Summit. Based on stakeholder review, public input, and advisement, the BIE made changes to the APR which was submitted to OSEP.

Part B State Annual Performance Report (APR) for 2007-2008

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 compared to percent of all youth in the State graduating with a regular diploma.

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

Measurement: Measurement: Measurement: Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.
 Beginning with the 2007-2008 the Bureau of Indian Education plans to change the measurement for graduation. The comparison will be a year to year direct comparison between the graduation rates reported in the BIE for non-disabled peers and the rates reported for students with disabilities. The goal will be to maintain a reported rate equal or better than that reported for non-disabled peers.
 a = graduation rate for non-disabled peers; b = graduation rate for students with disabilities;
 If the distance between (a) and (b) shows at least a 1 % decrease from the 2005-2006 gap, 4.29 points difference, then the goal is met.

 (((2nd year (a-b)) = 1% < (1st year(a-b)))

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement.

FFY	Measurable and Rigorous Target
2007 (2007-2008)	The graduation rate for SWD will not be less than that of the all group..
2008 (2008-2009)	Revised: The gap between graduation rate for SWD and the all students rate will decrease by .5% over previous year. (2007-2008 gap = 4.5 percentage points)
2009 (2009-2010)	The gap between graduation rate for SWD and the all students rate will decrease by .5% over previous year.
2010 (2010-2011)	The gap between graduation rate for SWD and the all students rate will decrease by .5% over previous year.

Note: The above targets are based on closing the gap between students with disabilities and the total graduation rate (all students). Because it is a gap goal rather than a specific rate goal the target does not identify a specific number.

The **BIE Graduation Rate Data** is provided for the two reporting groups with data taken from the same system, the BIE Annual Report from the schools. The ability to do this allows a more accurate comparison between the two groups.

The revised targets for graduation rates were not acceptable to OSEP. The BIE explained in the February 2008 APR the rationale for requesting new targets. For the graduation rate calculations presented in this document the BIE used a standard process across states. They also verified the data at the school level and the calculations used to verify. With this year's verified data it became clear that the previous target was unrealistic. A revised version is provided above.

Table 1: Graduation Rate Calculation Data

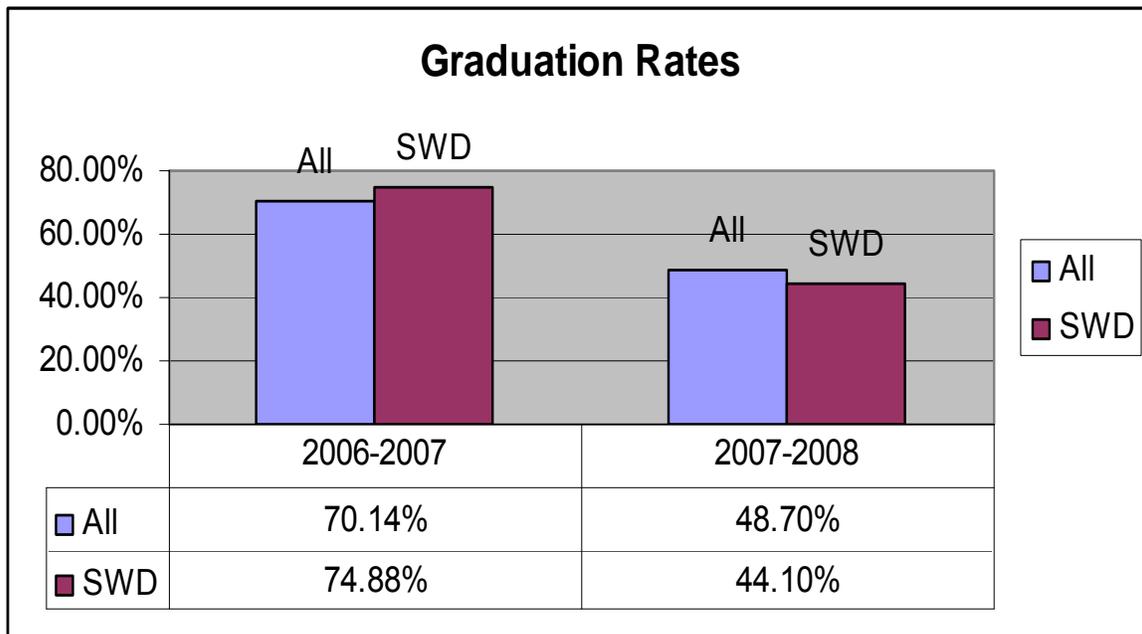
2007-2008

Tool	Group	Number Seniors	Number Graduated 4 yr.	Percent
NASIS	All	2,257	1,100	48.7%
NASIS	SWD	471	208	44.1%

2006-2007

Tool	Group	Number Seniors	Number Graduated	Percent
Annual Report	All	2,187	1,534	70.14%
NASIS	SWD	227	170	74.88%

Graph 1. Graduation Two Year Trend:



Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for SY 2007-2008:

Target not met.

A. Slippage: Graduation rate results are significantly lower than those previously reported. It is believed that the following factors have impacted the reporting results for this indicator.

1. For SY 2006-2007, it was determined that the BIE would move to a common graduation calculation across all states rather than using the individual state calculation. However, during the 2006-2007 school year, schools were given direction regarding that calculation and they then self-reported the results. It is believed that there were errors in this process, either not understanding all components or making calculation errors. For the 2007-2008 reporting the enrollment records for a four year period were reviewed and the graduation rate was calculated using a standard formula. The enrollment review and graduation rate calculations were completed in the field by the school level staff and BIE 'state' level staff together. This was done individually for every school having a 12th grade. In this process, training was provided to the schools and the data was more reliable due to the verification at every school. (number of graduates / # enrolled 9th grade 4 yrs previously + transfers in, – transfer out, - deceased).

In the student information system (NASIS) a code is provided for students that have left via a standard four year graduation. It is also believed that the information obtained in this manner is more accurate due to continued training on this issue.

The data reported above was taken from NASIS. For Students with Disabilities a comparison was made with the 618 report and the NASIS data. On Table 4 – Exits, 196 graduates were reported and from NASIS, 208 graduates were reported. It is believed that this is explained due to the fact that the end period for Table 4 is June 30, 2008 and the NASIS report may include students who graduated in summer school.

The reported gap is 4.6 percentage points.

Improvement Activities Completed: During 2007-2008, an Interim Monitoring Process (IMP) was implemented which provided further opportunities for training and technical assistance on the SPP indicators. Included in the IMP, was the Levels of Determination process that required further training necessary for each high school to understand their level. Schools submitted special education action plans to DPA addressing improvement activities for each indicator and specifically for high schools, how they will increase their graduation rate.

Improvement Activities that occurred in FFY 2007	Update of Activities	Progress of Activities
1. Regional trainings to schools and line offices on the Levels of Determination process	The DPA and MPRRC hosted regional trainings on the Levels of Determinations that schools received November 2007.	Completed December 2007
2. 100% of student IEPs for 16 year olds and older will be reviewed to document that	Prior to the 2008 2 nd Tier monitoring process, line office (designees) were instructed to review 100% of files for	Completed spring 2008

transition is addressed.	students 16 years and older as part of the 2 nd Tier 2008 data submission.	
3. School level transition specialists will receive training in plan development, i.e., goals writing, activities, etc.	Secondary Transition Newsletter distributed Fall 2007 and Spring 2008 with information for transition specialists.	Not completed specifically to transition specialist; information distributed to all high schools
4. BIE secondary transition action team (STAT) develops NSTTAC plan to distribute to all high schools.	STAT attended May institute in Charlotte, NC. Revised plan, to distribute at fall second annual special education academy.	Completed plan May 2008
5. Development of special education forms for NASIS with input from stakeholders; including all components of secondary transition.	Representatives from several schools and line offices, along with DPA formed a work group to develop IEP and simple forms.	Fall 2007 Spring 2008 completed

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for SY 2008-2011: DPA will host the second annual special education academy to include a session on transition for all high schools. The second round of Determinations will be completed with all school submitting a Local School Performance Plan (LSPP) addressing improvement activities for the indicators. For high schools with a Level 4, technical assistance will be provided by DPA to analyze efforts to increase graduation rate. The BIE encourages schools to participate in local/regional/state conferences in collaboration with public schools to increase graduation rates of Native American students.

ACTIVITY	TIMELINE	RESOURCE
1. Second annual National special education academy to include transition breakout session for all high schools.	SY 2008-2009	DPA MPRRC
2. Targeted technical assistance to school level transition specialist in plan development, goal writing, etc., with specific emphasis for school with a Level 3 and 4 Determination.	On going through 2011	DPA
3. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	SY 2008-2009	DPA

<p>4. 100% of files for students 16 years old and older will be reviewed to document that transition is addressed as indicated through the compliance monitoring tool.</p>	<p>2008-09 and on going</p>	<p>DPA Line Office</p>
<p>5. Implement Special Education Integrated Monitoring Process (SEIMP) to begin SY08-09.</p> <ul style="list-style-type: none"> • Levels of Determination process • Data Summit • Special Education self-assessment • Schools submit Local School Performance Plans (LSPPs) 	<p>SY 2008-2009 Continuous to 2010-2011</p>	<p>DPA Line Office MPRRC</p>

Revisions to proposed targets: Based on the data reported above, the significant difference in both rates and the resultant gap the target as currently submitted is no longer appropriate. The BIE has reported slippage for the 2007-2008 year and proposes a target revision so the gap can be accurately identified and the growth or slippage better monitored.

Proposed Revised Target/Timelines:

FFY	Measurable and Rigorous Target
<p>2008 (2008-2009)</p>	<p>The gap between non-disabled peers and students with students with disabilities will decrease by 1.5 percentage points.</p>
<p>2009 (2009-2010)</p>	<p>The gap between non-disabled peers and students with students with disabilities will decrease by 1.5 percentage points.</p>
<p>2010 (2010-2011)</p>	<p>The gap between non-disabled peers and students with students with disabilities will decrease by 1.5 percentage points.</p>

Part B State Annual Performance Report (APR) for 2007-2008
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 compared to the percent of all youth in the State dropping out of high school.

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

Measurement

Data Source
 All Bureau funded schools are required to report drop-out rates on their Annual Report, due August of each year. Students with disability data is gathered via Table 4 (618 data).

Measurement:
 Measurement for youth with IEPs will be the same measurement as for all youth. Calculation is as follows:

Definition: A student in grades 9-12 who (a) was enrolled in the school at sometime during the current school year and is not present at the end of the school year; but, (b) has not graduated or completed a program of studies by the maximum age established by the State; (c) has not transferred to another Bureau funded, public, non-public or State approved educational program; and (d) has not left school because of death, illness, or school-approved absence, or (e) if enrolled the preceding school year was not enrolled at the beginning of the succeeding school year and fits the criteria defined in (b, c, and d); (based on the NCES definition). This will be reported for grades 9-12. • Count the total number of students enrolled anytime during the school year, grades 9-12. Subtract the number of students who are remaining in school at the end of the school year, including the graduating seniors. • From the remainder subtract the number of students who left and you know enrolled at another educational facility (c above) or met criteria (d or e above). • The remainder is the number of drop-outs. This must be calculated for all students, grades 9-12th including Special Education Students and LEP students. Special Education and LEP students grades 9-12th are each to be disaggregated and are reported separately.

Calculation

(a) Includes any student in grades 9-12 who was enrolled at some time between end of year 1 and end of year 2. (Total)

(b) A student who was enrolled (a) and who is not present at the end of that school year but has graduated, completed a program of studies by the maximum age established by the State; has transferred to another Bureau funded, public, non-public or State approved educational program; or, has left school because of death, illness, or school-approved absence.

(c) Number of students present at the end of year 2.

Formula for number of drop-outs: $(a-b)-c = \text{number of dropouts}$
 Formula for drop-out rate: $\text{number of drop-outs} / (a - b)$

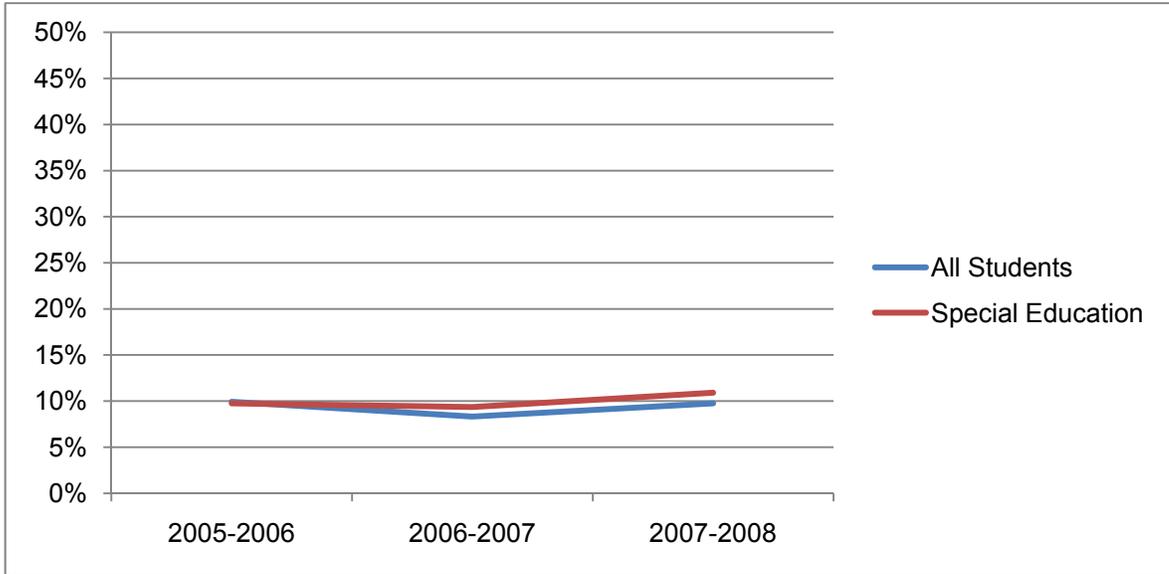
NOTE: For this, as all other indicators, the BIE data includes all schools. There is no distinction between BIE operated and grant or contract operated schools. All schools are BIE funded. See the introductory statement for clarification statement.

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement.

FFY	Measurable and Rigorous Target
2007 (2007-2008)	The drop-out rate of students with disabilities attending OIEP operated High Schools will not exceed 9.6%

Actual Target Data for SY 2007-2008:

Graph: Drop-Outs



Data Table: Drop-outs

	2006-2007	2006-2007 numbers	2007-2008	2007-2008 numbers	Slippage
Students with Disabilities	9.40%	Total 1394	11.32%	1,793	1.92 percentage points
		DO 131		DO = 203	
All Students	8.40%	Total 12119	9.94%	12,051	1.54 percentage points
		DO 1018		DO = 1198	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for SY 2007-2008:

A. Slippage: BIE did not meet this indicator. Over the past three school years, the dropout rate among special education students has remained roughly the same. Though the dropout rate is about 1.54 percentage points higher for all and 1.92 percentage points higher for students with disabilities in SY 2007-2008 than it was in SY 2005-2006, SY

Bureau of Indian Education

2006-2007 saw a decline of 0.4% from SY 2005-2006. Among valid and reliable data concerning populations of this size, the range and variation of the dropout rate illustrated here is expected. The variance of the dropout rate for any given year in the past three is not significantly different than the dropout rate for any of the other years discussed here.

When considering the relationship between the graduation rate reported under Indicator #1 and the drop out rate reported under Indicator #2, one factor that has an impact on the appearance of discrepancy is the BIE educational system student support structure, both formal and in practice. The BIE funds students until the school year in which they turn 21 for non-disabled students and the school year in which they turn 22 for students with disabilities. Research shows that the graduation rate for Native American students is very low. Research in the area of indigenous education (Cajete and others) shows that reaching maturity, graduation being a measure in mainstream society, was based on readiness rather than a timeline. In BIE schools there are many fifth and sixth year students who are not in the four year graduation rate but are also not listed as drop-outs.

Discussion of Improvement Activities Completed: During 2007-2008, an Interim Monitoring Process (IMP) was implemented which provided further opportunities for training and technical assistance on the SPP indicators. Included in the IMP, was the Levels of Determination process that required further training necessary for each high school to understand their level. Schools submitted special education action plans to DPA addressing improvement activities for each indicator and specifically for high schools, how they will decrease their dropout rate.

Activity	Timeline	Status
1. Present information on drop-out issues at the Summer 2007 national BIE Partnership Meeting. Present at the February Special Education Academy	2007-2008	Completed
2. Continue with the <i>Secondary Life Transitions</i> newsletter dissemination to schools.	On-going. Minimum of twice yearly	Completed
3. Train schools on tracking drop-outs via accurate data entry into the NASIS system	February 2008 On-going	Completed through Indicator 14 data collection

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for SY 2008-2011:

Revisions to Proposed: None proposed.

Discussion of Improvement Activities:

DPA will host the second annual special education academy to include a session on transition for all high schools. The second round of Determinations will be completed with all school submitting a Local School Performance Plan (LSPP) addressing improvement activities for the indicators. For high schools with a Level 4, technical assistance will be provided by DPA to analyze efforts to decrease dropout rate. The BIE encourages schools to participate in local/regional/state conferences in collaboration with public schools to decrease dropout rates of Native American students.

ACTIVITY	TIMELINE	RESOURCE
1. Second annual National special education academy to include transition breakout session for all high schools.	SY 2008-2009	DPA MPRRC
2. Targeted technical assistance to school level transition specialist in plan development, goal writing, etc., with specific emphasis for school with a Level 3 and 4 Determination.	On going through 2011	DPA
3. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	SY 2008-2009	DPA
4. 100% of files for students 16 years old and older will be reviewed to document that transition is addressed as indicated through the compliance monitoring tool.	2008-09 and on going	DPA Line Office
5. Implement Special Education Integrated Monitoring Process (SEIMP) to begin SY08-09. <ul style="list-style-type: none"> • Levels of Determination process • Data Summit • Special Education self-assessment • Schools submit Local School Performance Plans (LSPPs) 	SY 2008-2009 Continuous to 2010-2011	DPA Line Office MPRRC

Revisions to Proposed Targets and/or Timelines: None are proposed.

Part B State Annual Performance Report (APR) for 2007-2008

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

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

- A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's 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.

Measurement:

A. Percent = $[(\# \text{ of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)}) \div (\text{total } \# \text{ of districts that have a disability subgroup that meets the State's minimum "n" size in the State})] \times 100$.

B. Participation rate =

- a. # of children with IEPs in assessed grades;
- b. # of children with IEPs in regular assessment with no accommodations (percent = $[(b) \div (a)] \times 100$);
- c. # of children with IEPs in regular assessment with accommodations (percent = $[(c) \div (a)] \times 100$);
- d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = $[(d) \div (a)] \times 100$); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = $[(e) \div (a)] \times 100$).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent = $[(b + c + d + e) \div (a)]$.

C. Proficiency rate =

- a. # of children with IEPs in assessed grades;
- b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent = $[(b) \div (a)] \times 100$);
- c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent = $[(c) \div (a)] \times 100$);
- d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent = $[(d) \div (a)] \times 100$); and

of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent = $[(e) \div (a)] \times 100$).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent = $[(b + c + d + e) \div (a)]$.

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement.

The BIE school system includes schools located in 23 different states. Those schools use the assessment systems and AYP definitions of the 23 different states (25 CFR, Part 30). In a few locations the state identifies their state assessment as Language Arts and in the majority they identify the assessment as Reading. In one state Reading is used for all students in the test pool but a school may choose Language Arts as the elementary additional indicator. The BIE separates the data collection to align with the state nomenclature. In the past this has caused some problems with the presentation of data, primarily in the area of participation. Achievement data is reported as seen on the Bureau Report Card. For the Indicator 3 analysis the data is also reported with Language Arts and Reading combined. The Bureau Table 6 will combine Reading and Language Arts data as guided by OSEP.

A. Adequate Yearly Progress Targets:

FFY	Measurable and Rigorous Target
2007 (2007-2008)	Of the schools with sufficient "n" for calculation, 4 more schools than baseline (3 schools) will achieve AYP for the students with disabilities subgroup.

Actual Target Data for SY 2007-2008:

Target Not Met (Slippage)

The target for SY 2007-2008 was to have 22% (7 of 32 schools) meeting the minimum N for special education sub-group AYP calculation proficiency among the special education population. This target is an increase of four schools making AYP in this sub-group over the previous year. However, only one school (3%) with the required minimum N made AYP among the special education sub-group.

While there is a decrease in the numbers of schools that made AYP (of those schools that have sufficient numbers of students to meet the state identified 'n' for calculation) that decrease is consistent with the pattern seen in the general education population. Of the 23 different Accountability Workbooks that the Bureau must follow for the calculation of adequate yearly progress (AYP), 21 had an increase in SY 2007-2008 Annual Measurable Objectives for the required percent proficient to have met the AYP criteria in the academic areas.

B. Participation Rate Targets:

98.46%	Measurable and Rigorous Target
2007 (2007-2008)	95.5%

Actual Target Data for SY 2007-2008:

Reading/Language Arts Participation Rate: Target Met

In previous APRs, the Bureau did not combine Language Arts and Reading assessment data and neither area independently reported assessment participation that equaled at least 95% of the number of students with IEPs in the reported grades. By combining the two assessment areas into one group it is clear that the Bureau did meet the required Target. At the high school level the Bureau combines reports on assessments at multiple grades dependent upon the grade and process of the states in which the schools are located.

In the Reading/Language Arts assessments the overall participation rate was 98.23%, surpassing the target of 95.5%.. The lowest participation rate was found at the high school level (95.23%) but met the NCLB requirement of at least 95%. The range across all grade levels was from 97.77% to 99.49% participation.

	READING ASSESSMENT PARTICIPATION							Total		
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	High School	#	%	
With IEPs	519	591	571	538	586	630	524	3959		
Regular Assessment, no accommodations	163	144	122	106	113	156	189	993	25.08%	
Regular Assessment, with accommodations	315	395	402	386	416	420	258	2592	65.47%	
Alternate Assessment, grade level standards	10	17	16	9	22	26	24	124	3.13%	
Alternate Assessment, modified standards	0	0	0	0	0	0	0	0	0.00%	
Alternate Assessment, alternate standards	23	32	23	25	31	18	28	180	4.55%	
Total Assessed	511	588	563	526	582	620	499	3889	98.23%	
% Assessed	98.46%	99.49%	98.60%	97.77%	99.32%	98.41%	95.23%			
	Students included in IEP count, not assessed									
Out of level	0	0	0	0	0	0	0	0	0	
Parental Exemption	0	1	1	2	1	1	1	7	0.18%	
Absent	2	0	1	1	2	2	11	19	0.48%	
Other Reason	6	2	4	9	0	6	10	37	0.93%	

Math Participation Rate: Target Met

In the area of mathematics, the target of 95.5% was also met. The Bureau had a participation rate of 98.47%. As was reported for Reading/Language Arts, the high school level had the lowest participation rate (95.39%) but they did meet the NCLB target of 95%. The range across all grade levels was 98.19% to 99.46%.

	MATH ASSESSMENT PARTICIPATION							Total		
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	High School	#	%	
With IEPs	504	556	554	528	574	609	499	3824		
Regular Assessment, no accommodations	142	125	110	100	97	130	184	888	23.22%	
Regular Assessment, with accommodations	328	389	410	384	426	426	241	2604	68.10%	
Alternate Assessment, grade level standards	8	12	9	8	16	24	24	101	2.64%	
Alternate Assessment, modified standards	0	0	0	0	0	0	0	0	0.00%	
Alternate Assessment, alternate standards	20	27	22	27	31	18	27	172	4.50%	
Total Assessed	498	553	551	519	570	598	476	3765	98.46%	
% Assessed	98.81%	99.46%	99.46%	98.30%	99.30%	98.19%	95.39%			
	Students included in IEP count, not assessed									
Out of level	0	0	0	0	0	0	0	0	0	
Parental Exemption	0	0	1	2	0	1	4	8	0.20%	
Absent	2	1	1	1	2	2	12	21	0.53%	
Other reason	4	2	1	6	0	6	5	24	0.61%	

A review of non-participation indicates that a very small percent of students are not assessed due to either parental request or absence. The 'Other Reason' category includes students that, based on the varied policies of states, do not receive a score and cannot be reported as well as students not assessed for other reasons as identified based on state or local practice. The Bureau collection process requires all students with IEPs during the test window be accounted for in the reporting. The test window varies by state but the Native American Information System (NASIS) is used to produce a report of the enrollment during a specified period of time, i.e., the test window for that assessment in that state.

C. Achievement Data:

Achievement Target:

FFY	Measurable and Rigorous Target
2006 (2006-2007)	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.

The three following sets of data (Language Arts, Reading and Math) are provided to show the three areas of assessment per state nomenclature. This allows the reader of this report to understand the reporting based on the terms from their state. These reports are followed by proficiency tables that combine Reading and Language Arts, as reported for participation in Section B.

The Bureau access to assessment results is complicated by the fact that the schools use the assessment systems of the states in which schools are geographically located . The school receive test results directly. Different from a traditional state, Bureau does not have direct access to those reports. That information is self-reported by the schools in a Bureau Annual Report and submitted to the Division of Performance and Accountability. This year, as addressed in the Introduction, the Bureau initiated an aggressive process during which they met with each school and verified test scores and numbers. For that reason it is believed that the information submitted reflects a much higher level of accuracy than past self-reported data.

The collection tool for assessments is configured to gather numbers of basic, proficient and advanced level scores for all state level assessments use for accountability. This method of crossing varied state categories for reporting assessment results allows analysis across varied assessments, a process that would be much more complex if using the proficiency levels nomenclature for each of the twenty three states.. In the reporting there is the ability to differentiate participation on the general assessment with or without modifications, and alternate assessments based on grade level standards or based on alternate standards. Reporting scores is grouped by participation in the general assessment and an alternate assessment. The ability to differentiate scores between general assessments with or without modifications and the varied types of alternate assessment will be available for SY 2008-2009 reporting.

Actual Target Data for SY 2007-2008:

Language Arts Comparison:

2007-2008

Language Arts						
	Number of Students	Participation Rate	Basic %	Proficient %	Advanced %	Proficient + Advanced %
All Students	1396	96.63%	64.20%	28.47%	7.34%	35.80%
Males	698	95.56%	67.02%	26.54%	6.45%	32.98%
Females	698	97.71%	61.44%	30.35%	8.21%	38.56%
Race and Ethnicity						
Native American	1396	96.63%	64.20%	28.47%	7.34%	35.80%

Other Groups						
IEP	250	96.80%	78.10%	19.42%	2.48%	21.90%
Limited English Proficient	918	91.07%	77.03%	21.41%	1.56%	22.97%

2006-2007

Language Arts						
	Number of Students	Participation Rate	Basic %	Proficient %	Advanced %	Proficient + Advanced %
All Students	1463	97.74%	48.39%	38.11%	13.50%	51.61%
Males	730	97.67%	55.40%	33.94%	10.66%	44.60%
Females	733	97.82%	41.42%	42.26%	16.32%	58.58%
Race and Ethnicity						
Native American	1463	97.74%	48.39%	38.11%	13.50%	51.61%
Other Groups						
IEP	269	97.77%	70.72%	22.81%	6.46%	29.28%
Limited English Proficient	919	97.50%	46.99%	41.07%	11.94%	53.01%

Reading Comparison -2007-2008

Reading						
	Number of Students	Participation Rate	Basic %	Proficient %	Advanced %	Proficient + Advanced %
All Students	20954	96.57%	61.60%	35.60%	2.80%	38.40%
Males	10476	96.40%	66.19%	31.19%	2.61%	33.81%
Females	10478	96.74%	57.02%	40.00%	2.98%	42.98%
Race and Ethnicity						
Native American	20954	96.57%	61.60%	35.60%	2.80%	38.40%
Other Groups						
IEP	3700	98.30%	83.97%	14.57%	1.46%	16.03%
Limited English Proficient	7625	90.19%	74.28%	24.97%	0.76%	25.72%

2006-2007

Reading						
	Number of Students	Participation Rate	Basic %	Proficient %	Advanced %	Proficient + Advanced %
All Students	22226	97.98%	61.73%	34.80%	3.47%	38.27%
Males	11121	97.80%	66.15%	30.92%	2.93%	33.85%
Females	11105	98.16%	57.33%	38.68%	4.00%	42.67%
Race and Ethnicity						
Native American	22226	97.98%	61.73%	34.80%	3.47%	38.27%
Other Groups						
IEP	4034	97.92%	84.84%	13.72%	1.44%	15.16%
Limited English Proficient	8219	93.93%	75.44%	23.25%	1.31%	24.56%

Math Comparison

2007-2008

Math						
	Number of Students	Participation Rate	Basic %	Proficient %	Advanced %	Proficient + Advanced %
All Students	21910	96.48%	67.36%	28.61%	4.03%	32.64%
Males	10926	96.24%	68.56%	27.48%	3.96%	31.44%
Females	10984	96.71%	66.18%	29.73%	4.09%	33.82%
Race and Ethnicity						
Native American	21910	96.48%	67.36%	28.61%	4.03%	32.64%
Other Groups						
IEP	3815	98.40%	84.71%	13.37%	1.92%	15.29%
Limited English Proficient	8186	90.85%	73.05%	24.42%	2.53%	26.95%

2006-2007

Math						
	Number of Students	Participation Rate	Basic %	Proficient %	Advanced %	Proficient + Advanced %
All Students	22626	97.98%	67.52%	27.93%	4.55%	32.48%
Males	11314	97.91%	69.10%	26.53%	4.37%	30.90%
Females	11312	98.04%	65.94%	29.32%	4.73%	34.06%
Race and Ethnicity						
Native American	22626	97.98%	67.52%	27.93%	4.55%	32.48%
Other Groups						

Bureau of Indian Education

IEP	4078	98.26%	85.63%	12.43%	1.95%	14.37%
Limited English Proficient	8416	95.18%	76.45%	19.81%	3.73%	23.55%

The following performance tables combine Reading and Language Arts proficiency under Reading. Both the Reading and Math areas the Bureau-wide reports show nine students more than the tables below. Both tables were generated from the same verified data and it is believed that the difference is in the aggregation calculation/process in the Bureau-wide report. In both academic areas the difference is $\leq 1\%$ (Reading: .23%; Math .24%) in the number of students in the test pool.

In future years the Bureau will no longer present the data from both Language Arts and Reading as above. They will report final numbers for a combined set.

READING ASSESSMENT PERFORMANCE								
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	High School	Total
With IEPs	519	591	571	538	586	630	524	3959
Regular Assessment - Pro/Adv	83	83	75	70	75	55	53	494
Alternate Assessment - Pro/Adv	18	39	17	13	25	18	22	152
Total Assessed	511	588	563	526	582	620	499	3889
% Assessed	98.81%	99.46%	99.46%	98.30%	99.30%	98.19%	95.39%	95.39%
% Pro/Adv	19.77%	20.75%	16.34%	15.78%	17.18%	11.77%	15.03%	16.61%

MATH ASSESSMENT PERFORMANCE								
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	High School	Total
With IEPs	504	556	554	528	574	609	499	3824
Regular Assessment - Pro/Adv	95	77	73	59	62	45	21	432
Alternate Assessment - Pro/Adv	15	20	11	18	24	18	17	123
Total Assessed	498	553	551	519	570	598	476	3765
% Assessed	98.81%	99.46%	99.46%	98.30%	99.30%	98.19%	95.39%	95.39%
% Pro/Adv	22.09%	17.54%	15.25%	14.84%	15.09%	10.54%	7.98%	14.74%

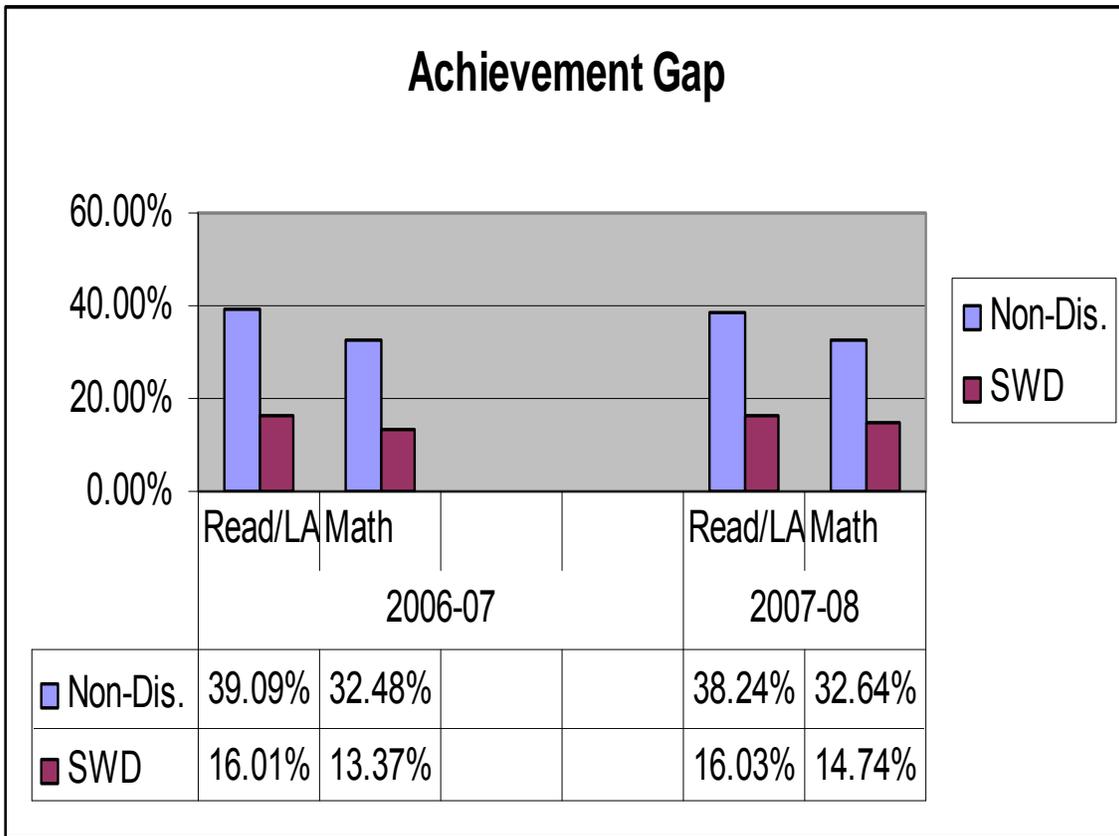
C. Discussion of data presented/Slippage:

In the chart below it can be seen that in the area of Reading/Language Arts neither the non-disabled group nor the students with disabilities showed a significant change in percent proficient, therefore reducing the gap by 20% (4.62 percentage points required) was not achieved and the target was not met. The reduction was .87 of a percentage point. In the Math area there was no significant change in the non-disabled group however there was small growth for students with disabilities. That small growth (1.21 percentage points) did not meet the requirement of 3.82 percentage points needed to reach the target goal.

The slippage may be primarily attributed to the rigorous assessment score verification regime BIE implemented. In previous years, the assessment scores were self-reported by the schools. While it is possible that schools may have reported higher assessment scores than were achieved by their students in past years, it is more likely that errors were made in the reporting process that inflated assessment results. The BIE deems the 2007-2008 assessment reporting to be the most reliable yet submitted by the schools in the BIE system.

Proficient

	2006-07		2007-08	
	Read/LA	Math	Read/LA	Math
Non-Dis.	39.09%	32.48%	38.24%	32.64%
SWD	16.01%	13.37%	16.03%	14.74%
GAP	23.08%	19.11%	22.21%	17.90%
20%=	4.62 (Percentage points)	3.82 (Percentage points)	0.87 (percentage points)	1.21 (Percentage points)
			Change=	



Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for SY 2007-2008:

The slippage may be attributed to several factors beyond student achievement. First and foremost, many of the schools under BIE control are in states that observed an increase in the Annual Measureable Objectives (AMO) for statewide assessments. Second, BIE implemented a rigorous assessment score verification regime. In previous years, the assessment scores were self-reported by the schools. While it is possible that schools may have reported higher assessment scores than were achieved by their students in past years, it is more likely that errors were made in the reporting process that inflated assessment results. The BIE deems the 2007-2008 assessment reporting to be the most reliable yet submitted by the schools in the BIE system.

Activities completed included the development and dissemination to all schools an ACCESS based program which allows every school to look at five years of achievement, attendance, drop-out stats, graduation rates and teacher data for their own school, by agency and by BIE as a whole. Training was provided on the use of the tool and analysis of the data obtained from the program. This addressed several aspects of the activities listed below.

Growth was seen in all areas (Making AYP, Participation, and Achievement) For Part C the growth did not close the gap as projected.

Information has been disseminated to schools regarding assessment data. Fall of 2008 State accountability assessment data results reviewed with each school.

Interim Monitoring Process (IMP) was completed at each school obtaining Level 4 Determination. The monitoring was done by making on-site visits to review special education student files.

		addressed all indicators.
<p><u>Policy and Administration Activities</u></p> <p>1. Secure MOU's with all 23 states in which BIE schools are located related to the use of the state assessment system.</p>	SY 2008-2009	<p>During the February 2009 Managers of Information Systems (MIS) national data conference, BIE is conducting a meeting with representatives from each State Department of Public Education to discuss partnerships and methods of collaboration regarding data issues. BIE will follow up with each of the 23 states after the meeting to update or establish MOUs.</p>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008

Accountability staff will continue to meet with each school to review State Accountability Assessment Data. The accountability meetings allow the BIE data unit to:

- Review accuracy of demographic data associated with assessment scores, i.e., Limited English Proficiency (LEP);
- Review assessment scores, proficiency designations and AMOs; and
- Observe and identify patterns in school data to consider the effectiveness of the instruction being provided.

By reviewing assessment data at the school sites with administrators, the accountability staff can ensure that the data reported to the BIE is more precise. As data is reviewed for accuracy, the accountability staff also provides guidance to schools on entering data correctly in Native American Student Information System (NASIS) and in a timely fashion.

Revisions, with Justification, / Improvement Activities / Timelines / Resources for (2008-2011)

No targets will be changed at this time.

The BIE Third Annual Data Summit will be held in April 2009 with selected stakeholders. During the data summit the special education staff discussed the levels of determination for BIE schools. The BIE Data Unit reviewed special education data pertaining to the Annual Performance Report (APR) indicators, including assessment scores.

The NASIS Special Education Forms Trainings were held in the fall of 2008 and beginning of 2009. 60 schools were selected to participate in the NASIS Pilot School Roll-Out. All schools will begin using the NASIS Special Education forms in July 2009. Having a standard set of electronic forms related to special education, including an Individualized Education Program (IEP), in a central place on the BIE Intranet will assist in data collection uniformity and accuracy.

The Special Education Third Annual Academy will be held September 15-17, 2009. The BIE Special Education Integrated Monitoring Process (SEIMP) was introduced at the 2008 Special Education 2nd Annual Academy and will be implemented SY 2008-2009. For SY 2008-2009, the schools developed and will implement the Local School Performance Plan (LSPP), which includes a review conducted by the Education Line Office. Dissemination of the Coordinated Services Plan will begin spring 2009 by way of presentations and WebEx training. Reading and

math continue to be concerns for the BIE. In SY 2008-2009 there are 25 schools participating in Reading First, 65 in BIE Reads, and 17 in Math Counts.

ACTIVITY	TIMELINE	STATUS
<p><u>Provide Training /Professional Development</u></p> <ol style="list-style-type: none"> 1. State accountability assessment data results reviewed with each school 2. A Data Summit is scheduled for April '09 to include establishment of indicators 3. Special Education Academy 	<p>SY 2008-2009</p> <p>April 2009</p> <p>September 2009</p>	<p>Recurring Annually</p>
<p><u>Improve Data Collection</u></p> <ol style="list-style-type: none"> 1. Special Education IEP NASIS Pilot School Rollout 2. NASIS School Wide Interchange 	<p>Nov. 2008 – May 2009</p> <p>July 2009</p>	<p>On-going</p>
<p><u>Improve Systems Administration and Monitoring</u></p> <ol style="list-style-type: none"> 1. Implementation of Special Education Integrated Monitoring Process 2. Local School Performance Plan (LSPP) 	<p>SY 2008-2009</p> <p>Continuous through 2010 – 2011</p> <p>SY 2008-2009</p>	<p>On-going</p> <p>Annually</p>
<p><u>Improve Collaboration/Coordination</u></p> <ol style="list-style-type: none"> 1. Disseminate Coordinated Services Plan 2. Promote coordination between Reading First, BIE Reads, Math Counts Programs and school Special Education Coordinators 	<p>SY 2008-2009</p> <p>Continuous through 2010 - 2011</p>	<p>On-going</p>

<p><u>Program Development</u></p> <p>1. NASIS SPED Forms</p>	<p>Nov. 2008 – May 2009</p>	<p>May 2009</p>
<p><u>Clarify/Examine/Develop Policies and Procedures</u></p> <p>1. Open Hearings at six sites across the nation</p>	<p>Dec. 2008</p>	<p>Under NCLB activities</p>
<p><u>Evaluation</u></p> <p>1. Review and consider Evaluation remarks from Data Summit and Special Ed. Academy</p>	<p>April and September 2009</p>	<p>On-going</p>

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 agencies identified by the OIEP as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of agencies in the OIEP times 100.
- B. Percent = # of agencies identified by the OIEP as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of agencies in the State times 100.

Include State’s definition of “significant discrepancy.”

Source: 618 data (Table 5), School Annual Reports

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement.

FFY	Measurable and Rigorous Target
2007 (2007-2008)	No more than 1 of the BIA agencies will report suspensions and expulsion rates greater than two times the OIEP average.

Actual Target Data for 2007:

1. Review of past systemic issues in this area, per Response Table request.

The following information is provided by Agencies rather than schools because that was the method of data organization at that time. Future reporting will be done by school.

For FFY 2004 and FFY 2005, the following agencies were reported to have suspension/expulsion rates that exceed the BIE average for students with disabilities:

FFY 2004

Cheyenne River Agency

File reviews conducted during FFY 2004 indicated noncompliance on items relating to Individual Education Program (IEP) development and implementation and the item, “positive behavior supports to reduce suspension/expulsions” and all were corrected as indicated by the file reviews conducted during FFY 2005. Compliance was indicated during the FFY 2004 and FFY 2005 file reviews on the items, “considered strategies to address behavior” and “procedural safeguard brochure provided to parents”.

Eastern Navajo Agency

File reviews conducted during FFY 2004 and FFY 2005 indicated compliance on items relating to IEP development and implementation, strategies to support behavior, positive behavior supports, and the provision of the procedural safeguard brochure to parents

There was no need for the schools in either **Cheyenne River Agency** or New Mexico Navajo Central and New Mexico Navajo South (formerly **Eastern Navajo Agency**) to revise their policies and procedures and practices related to the development and implementation of the IEPs, the use of positive behavioral interventions and supports, or procedural safeguards.

Central Navajo Agency and Sacramento Agency

File reviews conducted during FFY 2004 and FFY 2005 in both of these agencies indicated noncompliance on items relating to IEP development and implementation, strategies to support behavior, positive behavior supports, and providing procedural safeguard brochure to parents.

The Bureau of Indian Education Special Education Policies and Procedures is in draft form and it is to be approved by March 2009. Thereafter, the BIE will provide a template and train schools on how to develop local school special education policies and procedures. The schools should have their local policies and procedures completed by July 1, 2009. A review will be conducted by the BIE prior to the approval of the local policies and procedures for the schools in Arizona Navajo Central (formerly **Central Navajo Agency**) and **Sacramento Agency** to ensure IDEA compliance.

FFY 2005

Ft. Defiance Agency

File reviews conducted during FFY 2005 indicated noncompliance on items relating to Individual Education Program (IEP) development and implementation and the item, “positive behavior supports to reduce suspension/expulsions” and all were corrected as indicated by the file reviews conducted during FFY 2006. Compliance was indicated during the FFY 2005 and FFY 2006 file reviews on the items, “considered strategies to address behavior” and “procedural safeguard brochure provided to parents”.

There was no need for the schools in Arizona Navajo South (formerly **Ft Defiance Agency**) to revise their policies and procedures and practices related to the development and implementation of the IEPs, the use of positive behavioral interventions and supports, or procedural safeguards.

Papago/Pima Agency

File reviews conducted during FFY 2005 and FFY 2006 indicated noncompliance on items relating to IEP development and implementation, strategies to support behavior,

positive behavior supports, and providing procedural safeguard brochure to parents.

Rosebud Agency

File reviews conducted during FFY 2005 indicated noncompliance (rated <95% on item) on items relating to IEP development and implementation, strategies to support behavior, positive behavior supports, and providing procedural safeguard brochure to parents. File reviews conducted during FFY 2006 indicated items relating to IEP development and implementation were not corrected and the items, “considered strategies to address behavior”, “positive behavior supports to reduce suspension/expulsions”, and “procedural safeguard brochure provided to parents” were corrected.

Southern Pueblo Agency

File reviews conducted during FFY 2005 and FFY 2006 indicated noncompliance on items relating to IEP development and implementation; and compliance was indicated on the item, “procedural safeguard brochure provided to parents”. The FFY 2005 file reviews indicated compliance for the items, “considered strategies to address behavior” and “positive behavior supports to reduce suspension/expulsions”. However, the FFY 2006 file reviews indicated noncompliance on the two items.

The Bureau of Indian Education Special Education Policies and Procedures is in draft form and it is to be approved by March 2009. Thereafter, the BIE will provide a template and train schools on how to develop local school special education policies and procedures. The schools should have their local policies and procedures completed by July 1, 2009. A review will be conducted by the BIE prior to the approval of the local policies and procedures for the schools in Arizona South (formerly **Papago/Pima Agency**), **Rosebud Agency**, and New Mexico South (formerly **Southern Pueblo Agency**) to ensure IDEA compliance.

2. Review of 2007-2008 data.

As discussed in the 2006-2007 APR, the BIE is unique that it has agencies that have no secondary schools. If the issue of ten days or greater is compared across all BIE agencies, those Agencies with high schools have continually reported a higher level of suspensions and expulsions.

On Table 5 the BIE reported a total of 92 students who were suspended or expelled for a period (either a single or a combination of days) that equaled greater than ten days.

The Bureau’s average rate per total special education enrollment was 1.35%. (92> 10 days/6825). When calculated for schools having a secondary program, the average was 2.05% and for Elementary schools the average was .60%.

A significant discrepancy was determined to be three times the average for each group, high schools and elementary schools comprising two **separate** groups. The tables below identify those schools which exceeded the national average for their group by a multiple of three.

High School (Secondary Schools) Suspension-Expulsion data:

The BIE includes in the secondary group any school that includes a 12th grade. The BIE has 61 schools in this category. The significant discrepancy is defined as three times the category average. **2.05% X 3 = 6.16%**

≥ 10 days	School	% of SpEd	# SpEd
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8	Mescalero Apache School	7.41%	108
5	Chemawa Indian School	9.43%	53
3	Northern Cheyenne Tribal School	12.00%	25
4	Circle of Life Survival School	16.67%	24
3	Yakama Nation Tribal School	23.08%	13

The above schools are five of sixty-one schools in the secondary group. Yakama is highlighted in green due to the small 'n'. The BIE has determined that 'n's below 20 may not be reliable. The schools in this category will be notified of their numbers just as the other schools, but this is more a warning than a concern at the same level as others.

Of the above listed schools Circle of Life, Northern Cheyenne, and Yakama are of greatest concern and will receive priority technical assistance.

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 three times the category average. **.60% X 3 = 1.80%**

≥ 10 days	School	% of SpEd	# SpEd
1	Porcupine Day School	2.50%	40
2	Bahweting Anishnabe School	3.13%	64
1	Ojo Encino Day School	3.57%	28
1	Laguna Middle School	3.85%	26
1	Choctaw Central Middle School	4.00%	25
3	Turtle Mountain Middle School	4.55%	66
1	Na' Neelzhiin Ji Olta' (Torreon)	5.26%	19
3	Ojibwa Indian School	9.09%	33
6	Bogue Chitto Elementary School	26.09%	23

The above schools are nine of 113 schools in the elementary group. Na'Neelzhiin Ji Olta is highlighted in green due to the small 'n'. The BIE has determined that 'n's below 20 may not be reliable. The schools in this category will be notified of their numbers just as the other schools but this is more a warning than a concern at the same level as others

Of the above listed schools Boque Chitto and Ojibwa Indian are of greatest concern and will receive priority technical assistance.

Explanation of Progress or Slippage that occurred for 2007:

After discussion with OSEP staff during the summer of 2008 it was determined that the BIE would move from an agency level reporting to a school level reporting. The information provided in the section after the target was in response to questions raised in previous years. The target was based on agency level data. Included in Section 2, Review of 2007-2008 data, school level information is provided. That information will serve as the basis of the development of new school level targets, which will be provided in the appropriate Section below.

Discussion of Improvement Activities Completed

ACTIVITY	TIMELINE	STATUS
1. Data analysis will be completed to determine rates of discipline removals for high schools, middle schools and elementary schools as described in above narrative.	2007-2008	COMPLETED
2. Training will be provided to all schools regarding definition of terms for suspensions and expulsions. This will include data entry into the NASIS.	2007-2008	COMPLETED AND ONGOING
3. The secondary news letter will disseminate information regarding drop-out prevention. This will also be provided to middle and elementary schools.	2007 – 2008 and on-going.	COMPLETED
4. Further analysis of this data will be completed so as to inform the new Line Officers (reorganized) about discipline removal patterns within their agencies.	2007-2008 and on-going	On-Going

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2008-2009)

FFY	Measurable and Rigorous Target
2008 (2008-2009)	No more than 4 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.
2009 (2009-2010)	No more than 3 of the BIE high schools or 6 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.
2010 (2010-2011)	No more than 2 of the BIE high schools or 5 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.

ACTIVITY	TIMELINE	RESOURCES
<p><u>Provide training/professional development</u></p> <p>1. Provide student advocacy training to involve all students in the development of their IEP beginning in Kindergarten, transfer of rights/age of majority procedure, students understanding of IEP, and student led IEP's.</p>	<p>2008-2009</p>	<p>DPA</p>
<p>2. Second annual National special education academy to include Discipline Under IDEA as a general session for all schools.</p>	<p>SY 2008-2009</p>	<p>DPA MPRRC</p>
<p><u>Improve Data Collection</u></p> <p>3. Develop a uniform data reporting system through the NASIS on 2008 leavers.</p>	<p>SY 2008-2009 On-Going</p>	<p>DPA</p>
<p><u>Improve data collection</u></p> <p>4. Further analysis of this data will be completed so as to inform the new Line Officers (reorganized) about discipline removal patterns within their agencies.</p>	<p>2008-2009 On-Going</p>	<p>DPA Research Analyst.</p>
<p><u>Provide Technical Assistance</u></p> <p>5. Provide targeted technical assistance to schools with a Level 3 and 4 Determination</p>	<p>SY 2008-2009 On-Going</p>	<p>DPA</p>
<p><u>Clarify/examine/develop policies and procedures</u></p> <p>6. Ensure schools have schoolwide discipline policies and procedures in place.</p>	<p>2008-2009 On-Going</p>	<p>DPA MPRRC</p>

Part B State Annual Performance Report (APR) for 2007-2008 (

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

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

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

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

Measurement:

- A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- B. Percent = # of children with IEPs removed from regular class greater than 60% 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 public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

Source: 618 data – Table 3.

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement.

Targets:

A. Removed from regular class Less than 21% of day

FFY	Measurable and Rigorous Target
2007 (2007-2008)	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

FFY	Measurable and Rigorous Target
2007 (2007-2008)	Show at least a .5% decrease in the numbers of students receiving appropriate special education services outside the general education >60 % of the time.

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

FFY	Measurable and Rigorous Target
2007 (2007-2008)	No more than .45% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings.

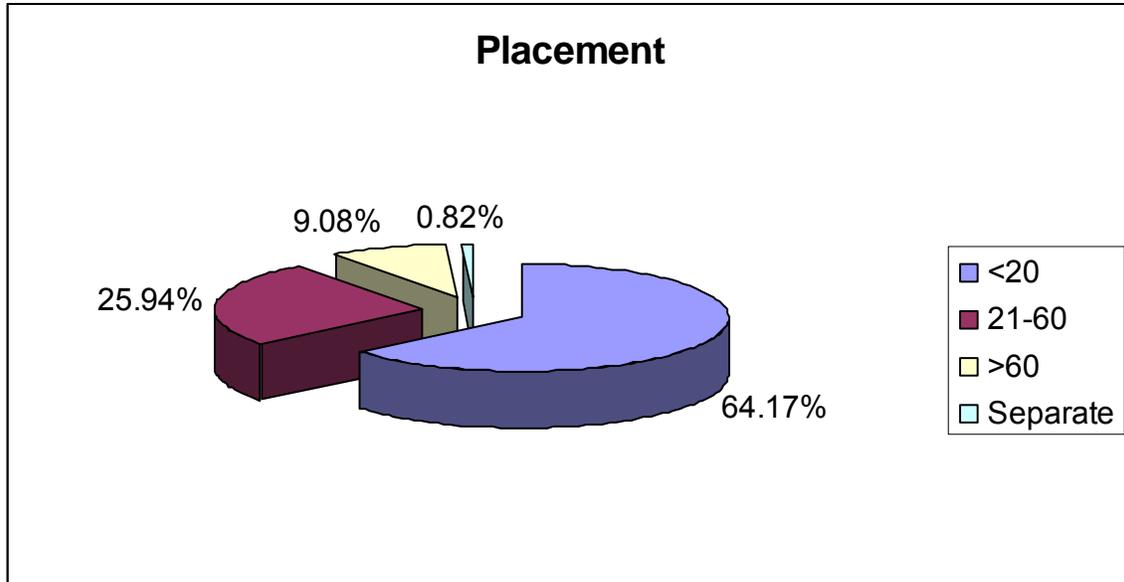
Actual Target Data for SY 2007-2008:

Category	6-21	%	4-21	%
Inside gen. ed. ≥ 80%	4320	64.17%	4,580	65.40%
Inside gen. ed. 40-79%	1746	25.94%	1791	25.57%
Inside gen. ed. <40%	611	9.08%	631	9.00%
Separate combined	55	.82%	0	.78%
Total	6732	100.00%	7,002	100.65%

SY 2006-2007, 2007-2008 Placement by Environment

Placement	<20 (A)	21-60	>60 (B)	Separate (C)
Comparison 6 – 21				
2006-2007	65.01%	25.23%	8.92%	.84%
2007-2008	64.17%	25.94%	9.08%	.82%
Comparison, all school age per BIE school system.				
2007-2008	65.40%	25.57%	9.00%	.78%

Graph: Ages 6 – 21 Environment



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 above graph.

	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress
A. Removed from regular class less than 21% of day	65.01	64.17	65.66	- 0.84%
B. Removed from regular class greater than 60% of the day.	8.92	9.08	8.47	- 0.16%
C. Served in public or private separate schools, residential placements, or homebound or hospital placements.	.84	.82	.45	0.02%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008:

A. Progress or Slippage - Target Met/Maintain: Technically the BIE **did not meet the identified target**. However, there was not a statistically significant difference based on the numbers of total students. The BIE has not significantly changed in any of the reporting categories.

The targets were established including all 'school' age students in the BIE system.

B. Discussion of Improvement Activities Completed:

The BIE completed the first Levels of Determination process fall of 2007 with Indicator 5 as one of the criteria determined by the stakeholders at the annual Data Summit. The BIE hosted regional trainings for the line offices and schools on the factors that resulted in their individual level of determination. Although it is not a new concept for the schools to report, accuracy of data input to reflect the correct placement of the students was emphasized.

Improvement Activities that occurred in FFY 2007	Update of Activities	Progress of Activities
1. Continue training on accurate data input and data clean-up activities with schools.	Fall 2007	The Division of Performance and Accountability, Special Education provided a workshop for staff from all schools. Sessions included: <ul style="list-style-type: none"> • Reporting requirements, particularly issues of responsibilities for students in off campus placements. • Teacher exchange of instructional techniques that general educators can use with all students in the regular classrooms • Eligibility and process for off campus placements (an issue for BIE – both placements and data tracking)
2. Monitor LRE compliance item from 2 nd Tier tool	On-going	Completed Spring 2008
3. Train school staff on indicator and activities.	The DPA and MPRRC hosted regional trainings on the Levels of Determinations that schools received November 2007. The DPA and MPRRC hosted the first national special education academy.	Completed December 2007 Completed February 2008

	Schools submitted special education action plans addressing their applicable indicators as part of the Interim Monitoring Process.	Completed Spring 2008
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2011 Activities:

ACTIVITY	TIMELINE	RESOURCE
1. The BIE will host the second annual national special education academy.	September 2008 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 inn their school.	SY 2008-2009 and on-going	DPA Infinite Campus

Part B State Annual Performance Report (APR) for 2007-2008

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.

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement

FFY	Measurable and Rigorous Target
2007 (2007-2008)	37.5%
2008 (2008-2009)	41.3%
2009 (2009-2010)	45.4%
2010 (2010-2011)	49.9%

Actual Target Data for 2006-2007 and 2007-2008:

Display 8-1: Percent of Parents Who Report the School Facilitated Their Involvement, 2-Year Trend

	FFY2006	FFY2007
Total number of Parent respondents	2,087	3, 143
Number who reported school facilitated their involvement	689	1,037
Percentage who reported school facilitated their involvement	33%	33%

The 2007-2008 target of 37.5% was not met. However, there was no slippage from the previous year in the percent of parents with a child receiving special education services who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

The 2007-2008 response rate improved from the previous year from 27.49% to 47.87%.

Survey Instrument

The tool used to measure “the percentage of parents who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities” was the Schools’ Efforts to Partner with Parents Scale (SEPPS). The SEPPS was developed by the National Center for Special Education Accountability Monitoring (NCSEAM) to provide states with a valid and reliable instrument for measuring the extent to which parents perceive that schools facilitate their involvement. Potential items to measure schools’ facilitation of parent involvement, as well as other aspects of parents’ involvement with and perceptions about special education services, were developed with substantial input from parents and other key stakeholders across the country. The survey was printed in a scan-able format and distributed to all schools in July 2008.

Representation

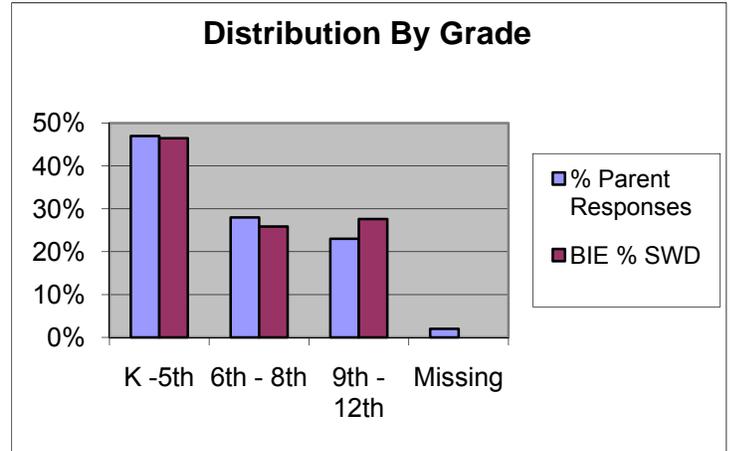
The data collected by the survey instrument are representative of the BIE student population. The survey instrument was used as a census survey, not a sampling survey. Every parent of a student in a BIE school was given the opportunity to rate indicator #8. Additionally, according to the December 2008 [Analysis of Parent Survey Data Addressing Part B SPP/APR Indicator #8](#), a report prepared for the BIE by the Piedra Data Services, “A total of 6,566 surveys were shipped to 172 sites; 3, 143 surveys were returned from 152 sites for an overall response rate of 47.87%. The number of returned surveys exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines (e.g., <http://www.surveysystem.com/sscalc.htm>).”

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

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

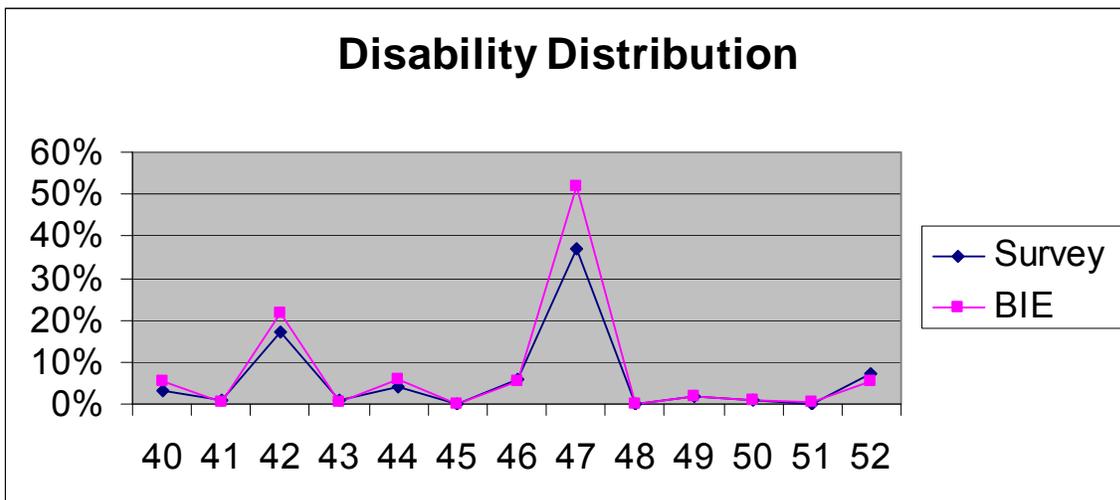
DISTRIBUTION BY GRADE

	% Parent Responses	BIE % SWD
K -5th	47%	46.49%
6th - 8th	28%	25.89%
9th - 12th	23%	27.62%
Missing	2%	0%



DISTRIBUTION BY DISABILITY

		Survey	BIE			Survey	BIE
MR	40	3%	5.50%	D/B	48	<1%	0.01%
HI	41	1%	0.57%	Mult.	49	2%	1.77%
Sp/Lg	42	17%	21.80%	Autism	50	1%	0.79%
VI	43	1%	0.28%	TBI	51	<1%	0.34%
ED	44	4%	5.80%	DD	52	7%	5.34%
OI	45	<1%	0.18%	Missing		13%	0.00%
OHI	46	6%	5.54%	More Than One		9%	0.00%
SLD	47	37%	51.90%				



Reliability and Validity

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

All parents throughout the BIE schools were given the opportunity to complete the survey. Once schools received copies of the survey, they were to distribute the forms to parents and assist parents in completing the surveys if necessary. The schools had approximately 2 months to complete the survey with parents and return the forms for scoring and analysis.

Parents of students in BIE schools are frequently second language English speakers and/or are not of the mainstream culture and either factor may have an impact on parent understanding of the questions. While schools were encouraged to read the surveys or provide translation as needed, parents are often not able/willing to communicate their inabilities in order to comprehend what is being asked.

There was a 20.38% increase in the response rate from the previous year. The higher response rate indicated that the results of the SY 2007-2008 survey were more reliable and accurate than prior years. More parents responded to the survey. Thus, the overall survey analysis is more representative of the broader constituency.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008:

Last year, SY 2006-2007, the analysis relative to the SPP indicator # 8 reported that 33% of the respondents met the survey standard for reporting the schools facilitated parent involvement as a means of improving services and results for children with disabilities. In 2007-2008, the analysis relative to the SPP indicator # 8 reported that 33% of the respondents met the survey standard for reporting that the schools facilitated parent involvement as a means of improving services and results for children with disabilities. The score of 33% indicated one-third of parents of students with disabilities served at BIE sites had measures high enough to support the claim that schools facilitate parent involvement at the level deemed desirable and appropriate by the BIE.

There was a 20.38% response rate increase from SY 2006-2007 to SY 2007-2008.

During SY 2007-2008, the score for Indicator #8, “the percent of parents with a child receiving special education services who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities” remained the same as SY 2006-2007. However, the overall response rate increased from 27.49% to 47.87%. The increase in response rate was the result of increased communication with schools and training on the purpose of the surveys and the importance of completing them. Also, an emphasis on returning surveys in a timely manner has been reiterated to school sites. Schools are reminded to turn in surveys prior to the deadline so their results can be incorporated in the overall analysis.

Display 8-2: Response rate 2006-2007

Surveys distributed	Sites	Surveys returned	Sites
7, 591	175	2,087	108

Overall return rate of 27.49%.

Display 8-3: Response rate 2007-2008

Surveys distributed	Sites	Surveys returned	Sites
6,566	172	3,143	152

Overall return rate of 47.87%.

Many of the data related improvement and analysis activities outlined below are performed and reviewed annually at the National BIE Special Education Conference. At the BIE National Special Education conference, the subsequent activities will continue to be addressed by the Division of Performance and Accountability:

- Identify schools having a low response rate and give guidance in ways to generate a higher rate of return; Have school personnel analyze what may affect the completion of survey rate.
- Identify schools having a high rate of survey completion. Share practices with other school.
- Review results of parent survey and determine appropriate activities to be provided to schools, agencies and parents.
- Give guidance to schools in types of activities which could enhance parental satisfaction based on areas of concerns identified by the survey.
- Identify “Best Practices” for parental involvement and disseminate that information to all schools

Improvement Activities / Timelines / Resources for future 2007 – 2011:

ACTIVITY	TIMELINE	RESOURCE
<p><u>Data Related Activities</u></p> <p>1. Work with NCSEAM to develop modified version of parent survey appropriate for BIE funded schools. Obtain OMB clearance for use of survey. Contract with provider to print, disseminate, and analyze data received from schools.</p>	<p>SY 2006 - 2007</p>	<p>NCSEAM</p> <p>Office of Management and Budget</p> <p>Contracted provider</p>
<p>2. a) Identify those schools having a low response rate and give guidance in ways to generate a higher rate of return. b) Have school personnel analyze what may affect the completion of survey rate.</p>	<p>SY 2007-2008</p>	<p>a) DPA staff</p> <p>b) School Staff</p>
<p>3. Identify schools having a high rate of survey completion. Share practices with other schools.</p> <p>Update information yearly.</p>	<p>SY 2008 - 20011</p>	<p>a) DPA staff</p> <p>b) ELO</p> <p>c) School staff</p>
<p><u>Data Analysis Activities</u></p> <p>1. Review results of parent survey and determine</p>	<p>SY 2007 - 2008</p>	<p>Department of Performance and Accountability (DPA) Staff</p>

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appropriate activities to be provided to schools, agencies and parents.		BIE Special Ed. Advisory Bd.
2. Do item analysis of responses over two years to determine patterns across the system or in specific states or ELO offices.	SY 2008-2009	Data unit - DPA
3. Report information above back to schools. Give guidance to schools in types of activities which could enhance parental satisfaction based on areas of concerns identified by the survey. (Yearly updated analysis and reporting.)	SY 2008 – 2009 and ongoing.	Data unit – Special Education unit at DPA.
4. Identify “Best Practices” for parental involvement and disseminate that information to all schools.	SY 2008 to 2010	DPA Staff School staff

Part B State Annual Performance Report (APR) for 2007-22008

Overview of the Annual Performance Report Development:

Monitoring Priority: 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: Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).

Account for children included in a. but not included in b. or c. Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.

Percent = b + c divided by a times 100.

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement

FFY	Measurable and Rigorous Target
2007-2008	100%

Actual Target Data for 2007): Target not met.

The BIE utilized the 2nd Tier Monitoring process for collecting the data for this indicator. As a part of the 2nd Tier system, files of students with disabilities at all schools were reviewed. For SY 2007-2008, this review did not include students who were not determined to be eligible for special education services. The tool has been revised so the data for students not deemed to be in need of special education services will be included in the SY 2008-2009 collection. Staff completing the 2nd Tier tool at the schools has been trained on the need to review files of students found not to be eligible for special education services. Since the BIE data period is July 1 to June 30 all referrals beginning April 1 will be reviewed.

- The BIE revised 2nd Tier monitoring tool to include capturing data for Indicator #11 for SY2007-2008. Items included to address this issue were:
 - Did the school complete the assessment within 60 days of parent consent?
 1. If assessment within 60 days, student found eligible? Y or N: ____.
 2. If assessment conducted past 60 days, # of days beyond 60: ____.
 3. Student found eligible beyond 60 day assessment period? Y or N: ____.
- CFR 300.301 (a)(1)(i), SPP Indicator #11

- In February 2008 the BIE conducted training for the staff assigned (Line Office personnel) to do the 2ndTier monitoring. The training addressed the revised monitoring tool that was to be used when reviewing special education files. There were 3,362 files reviewed during SY07-08.

When the completed 2nd Tier forms were reviewed. Each school for which students were identified as not having met the required timelines was given a list of those students (each student is coded on 2nd Tier) and asked to provide the reason for that delay. If the delay was based on parent actions **or** if the delay was based on student access (i.e., student transferred, not available for assessments, etc.) the timeline was not considered a non-compliance. ~~or if, in the determination process it was determined other information such as other assessments was needed the delay was not identified as a non-compliance.~~ If there was no acceptable reason or the school did not provide a reason for the delay **the delay** was identified as a non-compliance.

:

- The number of files reviewed in each Agency (Total BIE: 3,362).
- The number of files where the eligibility factor was not applicable, such as for a transfer in student where eligibility was determined at the prior location (Total BIE: 766).
- The number of files with parent consent to complete assessments. (2,596)
- There were 94 students identified for whom no acceptable reason for the delay was provided. (13 = 13.83%)
- Eight Agencies were identified as meeting 100% compliance level.

NOTE: To collect the reason for non-compliance with eligibility determinations within 60 days of receiving parental permission the BIE conducted a follow up survey, providing to each school out of compliance a list of students by code whose file review reflected non-compliance. The survey categorized the reasons for the delay. The previously referenced acceptable reason (need additional assessment) was an error in acceptable definitions, not in numbers. Therefore the numbers have not changed. The category of further evaluation was referenced but was not previously included in the count.

Files reviewed	3,362
Parent permission for assessment	2,597
Eligibility determined within 60 days	2,354
Number greater than 60 days	243
No acceptable reason.	94
% No acceptable reason	3.62%
BIE compliance SY 2007-2008	96.38%
Range of Days beyond 60	7 to 45

Related Information:

- One file showed a student was found not eligible for special education services when the evaluation was conducted within the 60 day time line.

The 60 day timeline for this indicator was monitored via the 2nd Tier process for 2007-2008. The NASIS program will be able to track the length of time a student is coded as a (2), meaning parent signature obtained, eligibility not completed. All students have a special education code, (1) = not currently in or referred for special education services, (2) = parent signature obtained, eligibility **determination** not completed, (3) = currently actively receiving special education services and (4) = exited special education services at that school.

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BIE funded and some grant schools cannot employ the qualified personnel to conduct evaluations. Many schools are too small to economically afford, or need, full time staff. Schools with sufficient budget may often have a difficult time finding qualified evaluators to conduct the needed assessment in a timely manner. For these reasons, the evaluation services are provided by contract service providers and often they are not available on a timely schedule, if available at all.

Improvement Activities / Timelines / Resources for future 2007 – 2008:

ACTIVITY	TIMELINE	RESOURCE
Revise the Compliance Monitoring tool and provide training to the Agency staff member responsible for the conducting the on-site special education file reviews and data collection.	February 2008	BIE Staff ELO Staff Completed February 2008
ACTIVITY	TIMELINE	RESOURCE
Schools notified of the all noncompliance issues identified during the SY-07-08 data collection time period.	Winter 2008	BIE Staff Completed December 2008
Requested schools to submit a correction action plan to correct all noncompliance items. In included in the schools plans they were instructed to correct FAPE noncompliance items within 45 days and all other noncompliance within one year of notification of noncompliance items.	Winter 2008	BIE Staff Completed December 2008
Develop and send a questionnaire schools to determine why the evaluation of students refereed during SY07-08 did not meet the 60 day evaluation time line.	Winter 2008	BIE Staff Completed December 2008

Revision, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for SY2008-2009.

ACTIVITY	TIMELINE	RESOURCE
Revise the Compliance Monitoring tool and provide training on the revised tool to the Agency staff member responsible for the conducting the on-site special education file reviews and data collection.	February 2009	BIE Staff ELO Staff
Conduct files reviews at each school utilizing the revised compliance monitoring tool.	Spring 2009	ELO Staff BIE Staff
Reviewers conducting the compliance monitoring data for SY08-09 will verify that the noncompliance items identified in the SY07-08 data have been corrected and closed out.	Spring 2009	ELO Staff BIE Staff
Notify schools of the all noncompliance items and/or systemic issues indentified in the SY08-09 compliance data collection process. Notification will include their overall compliance rating from the files reviewed.	Summer 2009	BIE Staff
Requested schools to submit a correction action plan to correct all noncompliance items. In included in the schools plans they were instructed to correct FAPE noncompliance items within 45 days and all other noncompliance within one year of notification of noncompliance items.	Fall 2009	

Part B State Annual Performance Report (APR) for 2007-2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

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

Measurement:

Percent = # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 16 and above times 100.

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement.

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100%

Actual Target Data for 2007-2008:

2nd Tier monitoring was conducted spring 2008, using a revised version of the tool used during the spring 2007 process. Each line office received training and was instructed to review files as follows:

- All schools with LESS than 100 special education students:
 - Review 20 files, or all if less than 20.
 - File reviews must be done for ALL students 16 years of age or older.

- All schools with MORE than 100 special education students:
 - 100 or more special education student files, 30% must be reviewed.
 - Compute the 30% of your total count to be reviewed.
 - All 16 years and older must be reviewed.
 - Subtract that number from the total to be reviewed.

Of the 60 schools with 9-12 programs, the BIE reviewed 999 files applicable to 16 year olds. Of the 999 files reviewed, 951 were in compliance for a 95% compliance rate.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008:

A. Slippage: The target was not reached. The data indicates there is not 100% compliance, however, it is an improvement over the 90% reported in the 2008 APR. During FFY 2007, the DPA special education unit continued to increase efforts to provide technical assistance directly to the schools, which for many, are still being served under a minimally staffed line office. The DPA unit added 3 more staff members along with the return of a full time special education director. The BIE hosted a national special education academy February 2008, and reiterated the importance of correcting noncompliance items in a timely manner in any given year. A separate meeting was arranged at that time with specific schools providing requested documentation to close out their previously cited noncompliance(s). During 2007-2008, an Interim Monitoring Process (IMP) was implemented which provided further opportunities for training and technical assistance. Included in the IMP was the Levels of Determination process that resulted in each school submitting a special education action plan addressing the BIE SPP indicators.

2nd TIER DATA – ITEM 8 B.

Item (8b). *Transition services, including courses of study, which will enable the student to meet the postsecondary goals.*

SCHOOL YEAR	# FILES REVIEWED	YES	NO	% COMPLIANT
2006-2007	565	509	56	90
2007-2008	999	948	51	95

In the FFY 2006 Response Table, OSEP is requesting that the BIE show correction of noncompliance identified in FFY 2005. The data from FFY 2005 on secondary transition requirements was reported by averaging 3 items of the transition section for each line office, then averaging the total for the BIE which resulted in a 86% compliance rate. The data was reported per agency, or line office, at the time and not each school. The data reported from the following year FFY 2006, was for each school, so a comparative analysis cannot be made.

Due to the mobility of the students (transfers, dropouts, etc.), correction of individual files is not completed when the student is no longer enrolled. However, ensuring compliance with the files of the remaining students is an ongoing effort to comply with IDEA during the IEP process.

B. Discussion of Improvement Activities Completed: The BIE completed their first Level of Determination process with regional trainings to schools and line offices. Included was a presentation on each indicator relative to each school’s data. 2nd Tier monitoring was completed with a second edition of the revised tool to better capture accurate data. On site visits were conducted by DPA to those schools with a Level 4 Determination to provide technical assistance with their special education action plans. The BIE encourages schools to participate in local/regional/state conferences in collaboration with public schools to improve transition services for Native American students.

Improvement Activities that occurred in FFY 2007	Update of Activities	Progress of Activities
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<p>1. Regional trainings to schools and line offices on the Levels of Determination process</p>	<p>The DPA and MPRRC hosted regional trainings on the Levels of Determinations that schools received November 2007.</p>	<p>Completed December 2007</p>
<p>2. 100% of student IEPs for 16 year olds and older will be reviewed to document that transition is addressed.</p>	<p>Prior to the 2008 2nd Tier monitoring process, line office (designees) were instructed to review 100% of files for students 16 years and older as part of the 2nd Tier 2008 data submission.</p>	<p>Training completed February 2008 2nd Tier completed spring 2008</p>
<p>3. Discussion of MOU will be initiated between the BIE and states housing Bureau funded schools to allow student transition plans to follow the state requirements that the school is located in, including boarding schools.</p>	<p>The Coordinated Services Plan (CSP), a required component of the BIE from IDEA 2004, is currently being revised for implementation and will include this issue.</p>	<p>Contractors in process of gaining input from stakeholders to revise document to be completed by January 2009.</p>
<p>4. School level transition specialists will receive training in plan development, i.e., goals writing, activities, etc.</p>	<p>Secondary Transition Newsletter distributed Fall 2007 and Spring 2008 with information for transition specialists.</p>	<p>Not completed specifically to transition specialist; information distributed to all high schools</p>
<p>5. Train school staff on indicator and activities.</p>	<p>The DPA and MPRRC hosted regional trainings on the Levels of Determinations that schools received November 2007.</p> <p>The DPA and MPRRC hosted the first national special education academy.</p> <p>Schools submitted special education action plans addressing their applicable indicators as part of the Interim Monitoring Process (Level of Determination).</p>	<p>Completed December 2007</p> <p>Completed February 2008</p> <p>Completed Spring 2008</p>
<p>6. BIE secondary transition action team (STAT) develops NSTTAC plan to distribute to all high schools.</p>	<p>STAT attended May institute in Charlotte, NC. Revised plan, to distribute at fall second annual special education academy.</p>	<p>Completed plan May 2008</p>

<p>7. Development of special education forms for NASIS with input from stakeholders; including all components of secondary transition.</p>	<p>Representatives from several schools and line offices, along with DPA formed a work group to develop IEP and simple forms.</p>	<p>Fall 2007 Spring 2008 completed</p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2011:

ACTIVITY	TIMELINE	RESOURCE
<p>1. Second annual National special education academy to include transition breakout session for all high schools.</p>	<p>SY 2008-2009</p>	<p>DPA MPRRC</p>
<p>2. Targeted technical assistance to school level transition specialist in plan development, goal writing, etc., with specific emphasis for school with a Level 3 and 4 Determination.</p>	<p>On going through 2011</p>	<p>DPA</p>
<p>3. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.</p>	<p>SY 2008-2009</p>	<p>DPA</p>
<p>4. 100% of files for students 16 years old and older will be reviewed to document that transition is addressed as indicated through the compliance monitoring tool.</p>	<p>2008-09 and on going</p>	<p>DPA Line Office</p>
<p>5. Technical assistance in transition requirements provided to pilot schools during training in the use of the special education module in NASIS. Final roll out for remaining schools to begin summer 2009.</p>	<p>2008-09</p>	<p>DPA Infinite Campus</p>

Part B State Annual Performance Report (APR) for 2007-2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 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 both, within one year of leaving high school.

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

Measurement:

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 both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement.

Actual Target Data for 2007-2008:

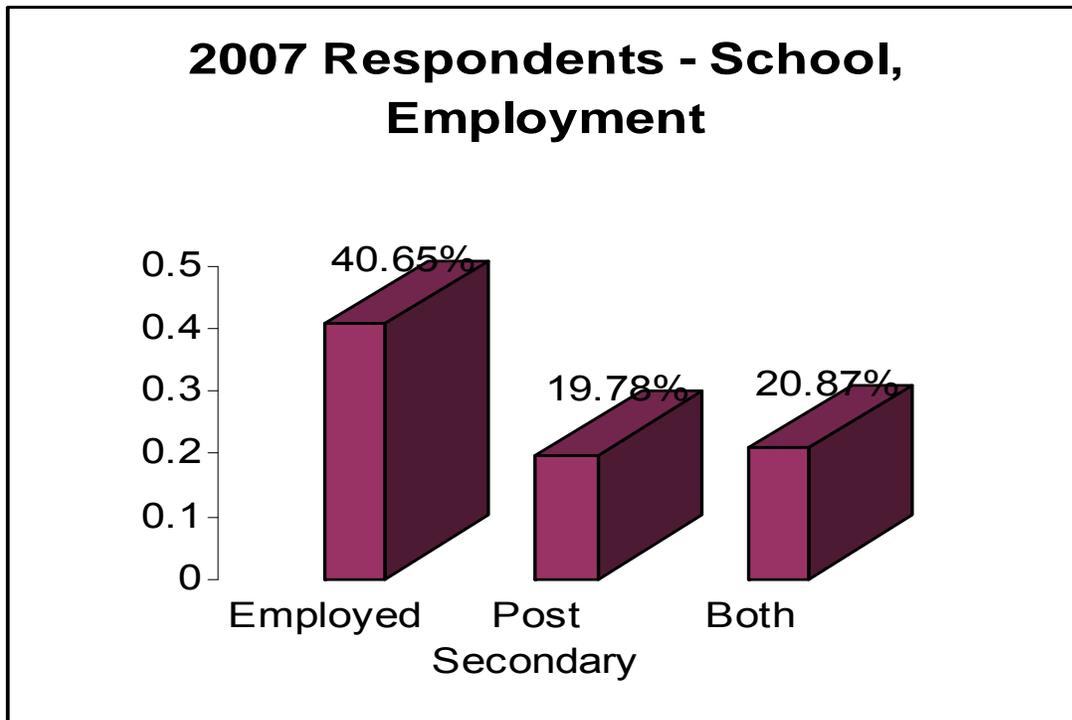
On April 7, 2008, a memorandum was distributed to the 61 BIE funded high schools requesting data for Indicator 14. The memorandum defined the four categories of a student leaver (graduated, received a certificate, dropped out, aged out). The attachment to the memorandum included a 2008 post secondary student activity sheet and the 2008 post school information tally sheet. Schools were instructed to return the tally sheet by September 30, 2008. The student activity sheet includes a definition of competitive employment and postsecondary school. The following is a breakdown of responses received:

- **40.65%** of youth who had IEPs were competitively employed within one year of leaving high school; the total from the submitted tally sheets for the Employment Section was 150 from a possible 413 students reported.
- **19.78%** of youth who had IEPs enrolled in some type of postsecondary school within one year of leaving high school; the total from the submitted tally sheets for the Postsecondary Section was 73 from a possible 413 students reported.
- **20.87%** of youth who had IEPs were both employed and enrolled in some type of post secondary school within one year of leaving high school; the total from the submitted tally sheets for the Employment and Postsecondary Section was 77 from a possible 413 students reported.
- **81.91%** of students (300) were reported as employed or enrolled in postsecondary school or doing both from a total 413 student leavers.
- **The baseline will be established at 81.91%. (Based on responses received indicating employed, in school or combination.)**

Numbers of Students for Baseline Data FFY 2007

Category	#	% ¹
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%

¹ Percent reported is percent of responders, last four rows.



2

BIE is satisfied that because there was such a high level of return the results represent the population served relative to disabilities represented. The BIE does not sample, rather schools are guided to follow-up with every student.

FFY	Measurable and Rigorous Target
2007 (2007-2008)	73% 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 both, within one year of leaving high school.
2008 (2008-2009)	78% 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 both, within one year of leaving high school.

<p>2009 (2009-2010)</p>	<p>83% 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 both, within one year of leaving high school.</p>
<p>2010 (2010-2011)</p>	<p>88% 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 both, within one year of leaving high school.</p>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008:

A. Explanation of Progress / Target Met: The target established for SY 2007-2008 was met. The data collection for SY 2007-2008 is deemed to be more valid and accurate than that of the previous school year due to two factors. A revision of the data collection tool enabled the BIE schools to report accurately in the three categories as reported. The previous years' difficulty in identifying students who fell in more than one category was corrected.

A second factor that is believed to have resulted in a positive change in numbers of students in an educational setting or employed was the impact of activities that were completed. Some of those activities were directed at data collection however many were designed to give guidance to schools regarding preparing students for post secondary life. (See discussion and table below).

B. Discussion of Improvement Activities Completed:

Training and technical assistance continued to be offered to the schools in the area of transition services and the importance of the post school data gathering activity necessary for the schools to analyze how well they are preparing their students for post school options. The BIE continues to encourage schools to participate in local/regional/state conferences in collaboration with public schools to improve transition services for Native American students.

Improvement Activities that occurred in FFY 2007	Update of Activities	Progress of Activities
<p>1. Regional trainings to schools and line offices on the Levels of Determination process.</p>	<p>The DPA and MPRRC hosted regional trainings on the Levels of Determinations that schools received November 2007.</p>	<p>Completed December 2007</p>
<p>2. 100% of student IEPs for 16 year olds and older will be reviewed to document that transition is addressed.</p>	<p>During the 2008 2nd Tier monitoring process, line offices were instructed to review 100% of files for students 16 years and older.</p>	<p>Completed spring 2008</p>

<p>3. School level transition specialists will receive training in plan development, i.e., goals writing, activities, etc.</p>	<p>Secondary Transition Newsletter distributed Fall 2007 and Spring 2008 with information for transition specialists.</p>	<p>Not completed specifically to transition specialist; information distributed to all high schools</p>
<p>4. Train school staff on indicator and activities.</p>	<p>The DPA and MPRRC hosted regional trainings on the Levels of Determinations that schools received November 2007.</p> <p>The DPA and MPRRC hosted the first national special education academy.</p> <p>Schools submitted special education action plans addressing their applicable indicators as part of the Interim Monitoring Process.</p>	<p>Completed December 2007</p> <p>Completed February 2008</p> <p>Completed Spring 2008</p>
<p>5. BIE secondary transition action team (STAT) develops NSTTAC plan to distribute to all high schools.</p>	<p>STAT attended May institute in Charlotte, NC. Revised plan, to distribute at fall second annual special education academy.</p>	<p>Completed plan May 2008</p>
<p>6. Development of special education forms for NASIS with input from stakeholders; including all components of secondary transition.</p>	<p>Representatives from several schools and line offices, along with DPA formed a work group to develop IEP and simple forms.</p>	<p>Fall 2007</p> <p>Spring 2008 completed</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2011:

ACTIVITY	TIMELINE	RESOURCE
<p>1. The BIE will host the second annual national special education academy to include information on Indicator 14 reporting procedures to clarify issues of double counting the student responses.</p>	<p>September 2008</p>	<p>DPA</p> <p>MPRRC</p>

<p>2. Develop a uniform data reporting system through the NASIS on 2008 leavers.</p>	<p>SY 2008-2009 and on-going</p>	<p>DPA</p>
<p>3. Provide targeted technical assistance to high schools with a Level 3 and 4 Determination to analyze their LSPP.</p>	<p>SY 2008-2009 and on -going</p>	<p>DPA</p>
<p>4. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.</p>	<p>SY 2008-2009</p>	<p>DPA</p>

Part B State Annual Performance Report (APR) for 2007-2008

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.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

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

NOTE: The BIE presented data from this Indicator, as well as all indicators to stakeholder groups as described in the introductory statement.

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100% of areas of non-compliance will be corrected as soon as possible, but in no case later than one year.

Actual Target Data:

Of the 5 non-compliances from 2005-2006 that had not been corrected in a timely manner, the BIE received verification that the issues were corrected. The week following the submission of the 2006-2007 APR, the BIE received said verification. Of the 15 non-compliance issues from the preceding years, BIE also worked with each school individually and verified each issue was corrected. At this time all issues previously identified above are corrected.

PART B INDICATOR 15 WORKSHEET (Bureau of Indian Education)

Indicator/Indicator Clusters	General Supervision System Components	# of Agencies Issued Findings in FFY 2006 (7/1/06 to 6/30/07) on 2 nd Tier Monitoring	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(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	2	2	1
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 both, within one year of leaving high school. NOTE: Comment below	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes. NOTE: Comment below	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	6	4
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. NOTE: Comment below	Dispute Resolution: Complaints, Hearings	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of Agencies Issued Findings in FFY 2006 (7/1/06 to 6/30/07) on 2 nd Tier Monitoring	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement. NOTE: Comment below	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other Dispute Resolution: Complaints, Hearings	0 0	0 0	0 0
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. NOTE: Comment below	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other Dispute Resolution: Complaints, Hearings	0		
Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. NOTE: Comment below	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other Dispute Resolution: Complaints, Hearings	NA 0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of Agencies Issued Findings in FFY 2006 (7/1/06 to 6/30/07) on 2 nd Tier Monitoring	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. NOTE: Comment below	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	13	13	8
	Dispute Resolution: Complaints, Hearings	0	0	0
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. NOTE: Comment below	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	NA		
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals. NOTE: Comment below regarding school level data	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	12	12	4
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Provision of FAPE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	1	1	0

Indicator/Indicator Clusters	General Supervision System Components	# of Agencies Issued Findings in FFY 2006 (7/1/06 to 6/30/07) on 2 nd Tier Monitoring	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Other areas of noncompliance: Transfer of Records	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
Sum the numbers down Column a and Column b			35	18
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	51.43 %

Cluster notes: The number provided under the 3rd column reflects the number of agencies that received feedback regarding concerns in an identified area. The fourth column indicates the number of non-compliance findings. A finding is defined as an area with a pattern of non-compliance not the individual file findings. The last column is the number of findings that did not get remediated within the one-year (or 45 days if student specific correction needed).

- First Cluster-** Based on 2nd Tier
- Second Cluster-** Based on 2nd Tier and BIE Annual Report from schools
- Third Cluster-** Table 5 and NASIS data
- Fourth Cluster-** Table 3; NASIS
- Fifth Cluster-** Parent Survey
- Sixth Cluster-** 2nd Tier, school responses
- Seventh Cluster-** Direct data collection from school; NASIS
- Eighth Cluster-** Other Provision of FAPE
- Other Transfer of records: correction

Indicator 13: Chart above reflects agency numbers, BIE is changing data reporting from Agencies to schools however the data collection at the time of identification of issues was primarily by agencies and therefore is reported that way. Numbers for schools for Indicator 13 are as follows:
 56 schools with findings, 56 with findings of non-compliance, 34 corrected.

During FFY 2007, the DPA special education unit continued to increase efforts to provide technical assistance directly to the schools, which for many, are still being served under a minimally staffed line office. The DPA unit added 3 more staff members along with the return of a full time special education director. The BIE hosted a national special education academy February 2008, and reiterated the importance of correcting noncompliance items in a timely manner in any given year. A separate meeting was arranged at that time with specific schools providing requested documentation to close out their previously cited noncompliance(s). During 2007-2008, an Interim Monitoring Process (IMP) was implemented which provided further opportunities for training and technical assistance. Included in the IMP was the Levels of Determination process that resulted in each school submitting a special education action plan addressing the BIE SPP indicators applicable to their school

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2011:

Activity	Timeline	Resource
1. Conduct on-site 2 nd Tier Monitoring and reporting of noncompliance findings. Schools to submit corrective action plans and the Line office will be responsible for ensuring correction of noncompliance findings as soon as possible and no later than one year.	SY 2008-2009 Continuous to 2010-2011	DPA Line Office
2. Implement Special Education Integrated Monitoring Process (SEIMP) to begin SY08-09. <ul style="list-style-type: none"> • Levels of Determination process • Data Summit • Special Education self-assessment • Schools submit Local School Performance 	SY 2008-2009 Continuous to 2010-2011	DPA Line Office MPRRC

Plans (LSPPs)		
<p>3. Provide training to all schools and Education Line Officers on procedural safeguards and dispute resolution options, emphasizing the promotion of early and alternative resolution processes. (Special Education Academy)</p>	<p>SY 2008-2009 Continuous to 2010-2011</p>	<p>DPA MPRRC National speakers/presenters</p>
<p>5. Data analysis of monitoring results will be used to compare with due process findings to determine if systemic issues have been identified.</p>	<p>SY 2008-2009 Continuous to 2010-2011</p>	<p>DPA</p>
<p>6. Use Legal Network Collaboration to keep abreast of all current legal issues relating to dispute resolution.</p>	<p>SY 2008-2009 Continuous to 2010-2011</p>	<p>DPA MPRRC</p>
<p>7. Research a data system to replace the current system that will accurately maintain data for Dispute Resolution for implementation Fall of 2008.</p>	<p>Spring 2008 - Ongoing</p>	<p>DPA</p>

Part B State Annual Performance Report (APR) for 2007-2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline extended for exceptional circumstances with respect to a particular complaint.

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

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

FFY	Measurable and Rigorous Target
2007 <i>(SY 2007-2008)</i>	100%

Actual Target Data for 2007:

There were two signed written complaints received by the BIE during SY 2007-2008. Of the two: **Target was met.**

- One written report issued. That report was written within the required timelines.
- The other Complaint was pending a due process hearing. (Since addressed)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

BIE 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, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

No revisions are proposed at this time. Please note that the comments and activities listed on this indicator apply to Indicator #17, #18, and #19.

-Improvement Activities/Timelines/Resources:

ACTIVITY	TIMELINE	ACTION
1. (<u>Preventative</u>): Do follow-up on 2004-2005 findings to ascertain whether schools have implemented changes as needed.	SY 2005-2006	Completed
2. Training on resolution process.	Yearly	
3. Develop and disseminate policies and guidance.	Yearly	

Part B State Annual Performance Report (APR) for 2007-2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100

FFY	Measurable and Rigorous Target
2007 <i>SY 2007-2008</i>	100%

Actual Target Data for 2007:

Target Met: 100% - One due process hearing request went to a fully adjudicated hearing. That one was completed within the required timeline.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008:

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2011:

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 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))

Measurement:

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

Actual Target Data for 2007:

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008:

Target Met

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2011:

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100%
2008 (2008-2009)	
2009 (2009-2010)	
2010 (2010-2011)	

Part B State Annual Performance Report (APR) for 2007-2008
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
2007 SY 2007-2008	100%

Actual Target Data for 2007-2008:

Target Met

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007-2008 :

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2008-2011:

Part B State Annual Performance Report (APR) for 2007-2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

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

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

Measurement:
State reported data, including 618 data 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).

Actual Target Data for 2007:

Target of 100% not met

Note that in completing the indicator Table below the BIE does not have the same requirements as states for all APR Indicators. Therefore, the BIE excluded from the calculations those areas that are not identified as BIE responsibility. Also, the data for Indicator #6 (placements) was taken directly from Table 3 - Environments. However the BIE regards 'school age' as 5 prior to December 31st of the school year. Those students are in kindergartens that are funded by set aside Part B dollars for BIE and not an Early Part process. When indicator 5 referenced school age we included all grades.

Per OSEP guidance we re-submitted the data restricted to six year olds – even though the four and five year olds may be sitting in the next seat receiving services in the same process. Because of this BIE unique situation the data is more meaning full when presented in this manner. While the BIE will gladly disaggregate four and five year olds they do not believe they should be penalized for misunderstanding a process that is different from states.

A second area in which the BIE structure caused a mis-understanding was in combining different assessments from different states, specifically, Language Arts vs. Reading. Because we are only able to report two academic areas it appeared that the BIE did not meet participation rate. Guidance was provided, summer 2008, to add Reading and Language Arts information together. This does show a more accurate count for participation, however there could be some questions regarding the combination of the two areas.

Part B Indicator 20 Data Rubric

Part B Indicator 20 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	na	na	0
8	1	1	2
9	na	na	0
10	na	na	0
11	1	1	2
12	na	na	0
13	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	30
APR Score Calculation	Timely Submission Points (5 pts for submission of APR/SPP by February 2, 2009)		5
	Grand Total		35

Part B Indicator 20 - 618 Data					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Table 1 – Child Count Due Date: 2/1/08	1	1	1	1	4
Table 2 – Personnel Due Date: 11/1/08	0	1	1	1	3
Table 3 – Ed. Environments Due Date: 2/1/08	1	1	1	1	4
Table 4 – Exiting Due Date: 11/1/08	1	1	1	1	4
Table 5 – Discipline Due Date: 11/1/08	1	0 Unable to report services to non-disabled peers when suspended or expelled.	1	1	3
Table 6 – State Assessment Due Date: 2/1/09	1	1	1	1	4
Table 7 – Dispute Resolution Due Date: 11/1/08	1	1	1	1	4
				Subtotal	26
			Weighted Total (subtotal X 1.87; round ≤.49 down and ≥ .50 up to whole number)		49
Indicator #20 Calculation					
			A. APR	35	35

			Total		
			B. 618 Total	52	49
			C. Grand Total	87	84
Percent of timely and accurate data = (C divided by 86 times 100)			$(C) / (86) \times 100 =$		96.55

Explanation of Progress or Slippage that occurred:

Progress in reporting has resulted, in part to guidance from OSEP.

TABLE 7

REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT
2007-08

PAGE 1 OF 1

OMB NO.: 1820-0677

FORM EXPIRES: 08/31/2009

STATE:

BI - BUR. OF INDIAN AFFAIRS

SECTION A: WRITTEN, SIGNED COMPLAINTS	
(1) Written, signed complaints total	2
(1.1) Complaints with reports issued	1
(a) Reports with findings	1
(b) Reports within timeline	1
(c) Reports within extended timelines	0
(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	1
(a) Complaints pending a due process hearing	1

2

SECTION B: MEDIATION REQUESTS	
(2) Mediation requests total	2
(2.1) Mediations held	1
(a) Mediations held related to due process complaints	1
(i) Mediation agreements	0
(b) Mediations held not related to due process complaints	0
(i) Mediation agreements	0
(2.2) Mediations not held (including pending)	1

2

1

SECTION C: DUE PROCESS COMPLAINTS	
(3) Due process complaints total	5
(3.1) Resolution meetings	1
(a) Written Settlement agreements	1
(3.2) Hearings (fully adjudicated)	1
(a) Decisions within timeline (include expedited)	0
(b) Decisions within extended timeline	0
(3.3) Resolved without a hearing	2

SECTION D: EXPEDITED DUE PROCESS COMPLAINTS (RELATED TO DISCIPLINARY DECISION)	
(4) Expedited due process complaints total	0
(4.1) Resolution meetings	0
(a) Writen settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0

5

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