**State Performance Plan / Annual Performance Report: Part B**

**for STATE FORMULA GRANT PROGRAMS under the Individuals with Disabilities Education Act**

**For reporting on
FFY 2019**

**Bureau of Indian Education**



**PART B DUE
February 1, 2021**

**U.S. DEPARTMENT OF EDUCATION**

**WASHINGTON, DC 20202**

# Introduction

**Instructions**

Provide sufficient detail to ensure that the Secretary and the public are informed of and understand the State’s systems designed to drive improved results for students with disabilities and to ensure that the State Educational Agency (SEA) and Local Educational Agencies (LEAs) meet the requirements of IDEA Part B. This introduction must include descriptions of the State’s General Supervision System, Technical Assistance System, Professional Development System, Stakeholder Involvement, and Reporting to the Public.

## Intro - Indicator Data

**Executive Summary**

The Bureau of Indian Education (BIE) has a general supervision system in place that is designed to drive improved results for students with disabilities and ensure that IDEA Part B statutory requirements are met. The general supervision system consists of the following components:
• Technical Assistance
• Professional Development
• Stakeholder Involvement
• Reporting to the Public

The BIE reports annually on performance in accordance with 20 U.S.C. 1416b(2)(c)(ii) and 34 CFR 300.602. BIE's State Performance Plan/Annual Performance Report (SPP/APR) for FFY 2019 represents the requirements for applicable SPP/APR Indicators and targets that have been developed with stakeholder input and public dissemination. The BIE does not report for Indicators 4B, 6, 7, 9, 10, and 12 which do not apply. The FFY 2019 SPP/APR describes BIEs progress on indicator targets.

**Additional information related to data collection and reporting**

Data collection and reporting for some SPP/APR Indicators were impacted by COVID-19. When that is the case, we reported in the applicable indicators (B8, B11, B13, B14) the impact of COVID-19 using the following three questions

1. The impact on data completeness, validity and reliability for the indicator
2. An explanation of how COVID-19 specifically impacted the State’s ability to collect the data for the indicator; and
3. Any steps the State took to mitigate the impact of COVID-19 on the data collection. This must be completed for each indicator for which data collection was impacted by COVID-19. OSEP will consider the totality of the State’s submission in analyzing data and making decisions.

**Number of Districts in your State/Territory during reporting year**

174

**General Supervision System**

**The systems that are in place to ensure that IDEA Part B requirements are met, e.g., monitoring, dispute resolution, etc.**

Fiscal management--Fiscal review procedures for special education has been developed and implemented that ensures a school's compliance to certain fiscal and administrative requirements for special education funds (e.g., Indian Student Equalization Program (ISEP) 15% base academic funding, IDEA Part B supplemental funds). BIE-funded schools submit fiscal documents in Native Star--LEA School Part B Application and if applicable, the Coordinated Early Intervening Services (CEIS) and/or Cooperative Agreement Unit (CAU) Plan; IDEA Part B Spending Plan. The programmatic and fiscal monitoring activities includes a desk audit and an on-site review for selected schools that includes a review of the schools special education program.

Monitoring--a Special Education Integrated Monitoring Process (SEIMP) has been developed and implemented that monitors the implementation of IDEA Part B. The process focuses on improving education results and functional outcomes for all children with disabilities. The components include: desk audits utilizing the Native American Student Information System (NASIS), and other activities (e.g., fiscal management, dispute resolution, suspension/expulsion, parent concerns, Indian Student Equalization Program (ISEP).

Policies and Procedures--a draft of the BIE Special Education Practices and Processes has been developed that supports the implementation of IDEA.

Data on Processes and Results--the NASIS is utilized which serves as BIE's electronic student information system that includes a special education module that supports the management of IEPs for students with disabilities. NASIS serves as BIE's central data collection for student level data and reporting.

Improvement, Correction, Incentives and Sanctions--The SEIMP, LSPP, fiscal review supports improvement and ensure timely correction through incentives and enforcement.

Dispute Resolution--The BIE provides a process for a parent or school to file a complaint and request for a due process hearing or mediation. Request for mediation, request for due process hearing, and state complaint forms are posted on the BIE website at http://www.bie.edu/Programs/SpecialEd/Dispute/index.htm.

Targeted technical assistance and professional development--Targeted and universal technical assistance and professional development is offered to three ADD Regions (Bureau Operated Schools, Tribally Controlled Schools, Navajo Schools) and Education Resource Centers to help them improve results for children. The technical assistance and activities are presented through a variety of means--BIE website, ObaVerse--a learning management system and communication hub, guidance documents, webinars, telephone, and electronic communication. Schools also have IDEA Part B funds to purchase training directly from other resources (e.g., states, national organizations, consultant) for special education activities. The BIE continues to partner with LRP Publications during SY 2020-2021 to provide all BIE-funded schools and staff with three education resources (e.g., Special Ed Connection, Title1Admin, DirectSTEP) to help school staff better serve students.

BIE's focus is to improve results and functional outcomes for all children with disabilities, and ensuring that program requirements of IDEA Part B are met, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities

**Technical Assistance System**

**The mechanisms that the State has in place to ensure the timely delivery of high quality, evidenced based technical assistance and support to LEAs.**

Universal technical Assistance is offered to the BIE-funded schools in three ADD Regions (Bureau Operated Schools, Tribally Controlled Schools, Navajo Schools) and Education Resource Centers to help them improve results for children with disabilities. The technical assistance and activities are presented through a variety of means--BIE website, ObaVerse, guidance documents, dissemination of evidence-based practices, webinars, NATIVE Star, consultants, telephone, fax, and electronic communication. Technical assistance is linked to the SPP/APR Indicators through the Local School Performance Plan (LSPP) whereby schools develop improvement activities for applicable SPP/APR indicators and evaluate the improvement activities two times per school year to determine if progress is being made to meet the BIE indicator target. Schools also have the IDEA Part B funds to purchase training directly from other resources (e.g., states, tribal organizations, BIE, national organizations, consultants, other TA providers).

The technical assistance (provided on-site or post site visit) is also built into the programmatic and fiscal review activities in the area of fiscal support.

**Professional Development System**

**The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.**

The BIE supports the provision of professional development to improve results for children through the three ADD Regions (Bureau Operated Schools, Tribally Controlled Schools, Navajo Schools) and Education Resource Centers for their school staff. Schools are encouraged to collaborate and network with other tribal or education organizations to help them increase staff skills and knowledge in the areas of school need.

The professional development activities are presented through a variety of means--BIE website, ObaVerse, conferences, guidance documents, disseminating information to schools about evidence-based practices, monthly webinars, consultants, telephone, and electronic communication. Schools also have the IDEA Part B funds to purchase professional development directly from other resources (e.g., states, national organizations, consultant). National technical centers and contractors are used to help support the professional development needs of schools. On-site technical assistance and professional development is offered through the programmatic and fiscal review activities. Written feedback on the LSPP is provided directly in NATIVE Star on the school's evaluation of their improvement activities. Schools that have been identified for fiscal risk ratings are provided technical assistance and professional development. The BIE continues to partner with LRP Publications during SY 2019-20 to provide all BIE-funded schools and staff with three education resources (e.g., Special Ed Connection, Title1Admin, DirectSTEP) to better serve students.

**Stakeholder Involvement**

**The mechanism for soliciting broad stakeholder input on targets in the SPP, including revisions to targets.**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**Apply stakeholder involvement from introduction to all Part B results indicators (y/n)**

YES

**Reporting to the Public**

**How and where the State reported to the public on the FFY18 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State’s submission of its FFY 2018 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State’s SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2018 APR in 2020, is available.**

A link to the BIE's State Performance Plan/Annual Performance Report (SPP/APR) for previous years (FFY 2018, FFY 2017, FFY 2016, FFY 2015 and FFY 2014) is posted on the special education webpage of the BIE's website: https://www.bie.edu/topic-page/special-education-performance-plan-and-annual-performance-reports. Math and Reading/Language Arts assessment data for BIE students with disabilities compared to all students is available at this link: https://www.bie.edu/topic-page/special-education.

 A link for the FFY 2019 APR will be posted no later than June 1, 2021. The BIE also posts a link to each school's annual performance on the SPP/APR indicators on this webpage. School level performance for FFY 2019 will be posted no later than June 1, 2021.

## Intro - Prior FFY Required Actions

The BIE has not publicly reported on the FFY 2017 (July 1, 2017-June 30, 2018), FFY 2016 (July 1, 2016-June 30, 2017), FFY 2015 (July 1, 2015-June 30, 2016), and FFY 2014 (July 1, 2014-June 30, 2015) performance of each BIE-funded school on the targets in the BIE’s performance plan as required by section 616(b)(2)(C)(ii)(I) of IDEA. With its FFY 2019 SPP/APR, the BIE must provide a Web link demonstrating that the BIE reported to the public on the performance of each BIE-funded school on the targets in the BIE’s targets in the SPP/APR for FFY 2017, FFY 2016, FFY 2015, and FFY 2014. In addition, the State must report with its FFY 2019 SPP/APR, how and where the State reported to the public on the FFY 2018 performance of BIE-funded school located in the State on the targets in the SPP/APR.

In the FFY 2019 SPP/APR, the State must report FFY 2019 data for the State-identified Measurable Result (SiMR). Additionally, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress in implementing the SSIP. Specifically, the State must provide: (1) a narrative or graphic representation of the principal activities implemented in Phase III, Year Five; (2) measures and outcomes that were implemented and achieved since the State's last SSIP submission (i.e., April 1, 2020); (3) a summary of the SSIP’s coherent improvement strategies, including infrastructure improvement strategies, and evidence-based practices that were implemented by the State and progress toward short-term and long-term outcomes that are intended to impact the SiMR; and (4) any supporting data that demonstrates that implementation of these activities is impacting the State’s capacity to improve its SiMR data. If, in its FFY 2019 SPP/APR, the State is not able to demonstrate progress in implementing its coherent improvement strategies, including progress in the areas of infrastructure improvement strategies or the implementation of evidence-based practices with fidelity, the State must provide its root cause analysis for each of these challenges.

**Response to actions required in FFY 2018 SPP/APR**

## Intro - OSEP Response

The BIE's IDEA Part B grant award has been under specific conditions from FFY 2007 through FFY 2020. Specific conditions were imposed on the BIE's FFY 2020 IDEA Part B grant award, because the BIE failed to complete all of the corrective actions contained in Section C of the Corrective Action Plan (CAP), formerly called the Program Improvement and Accountability Plan. Under the FFY 2020 specific conditions, the BIE was required to submit a CAP and quarterly progress reports that address the steps the BIE will take to: (1) implement a fiscal monitoring system to ensure that BIE-operated schools and tribally-operated schools are ensuring the appropriate use of IDEA Part B funds; (2) develop and implement procedures to ensure that the BIE will publicly report on the assessment of children with disabilities in the same manner and frequency as it reports on the assessment of children without disabilities, as required under 34 C.F.R. § 300.160(f); (3) develop and implement a corrective action plan that addresses the actions the BIE will take to address the noncompliance with secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 C.F.R. §§ 300.320(b) and 300.321(b) and improve the accuracy of the secondary transition data; and (4) ensure that all students with disabilities enrolled in San Felipe Pueblo Elementary School and other BIE-funded schools received related services in accordance with their individualized education programs (IEPs) and any compensatory services determined necessary by the IEP Teams, as required by IDEA section 612(a)(1) and 34 C.F.R. §§ 300.320 and 300.323(c)(2), and that all initial evaluations are conducted within 60 days of receiving parental consent for the evaluation in accordance with 34 C.F.R. § 300.301(c)(1). OSEP will determine under separate cover whether the BIE has completed all of the corrective actions required in Section C of the CAP.

OSEP's response to the BIE's FFY 2018 SPP/APR required the BIE to include in the FFY 2019 SPP/APR a Web link demonstrating that the BIE reported to the public on the performance of each BIE-funded school on the targets in the BIE's performance plan for FFY 2018, FFY 2017, FFY 2016, FFY 2015, and FFY 2014. The BIE provided a Web link demonstrating it reported to the public on the performance of each BIE-funded school for those years as required.

OSEP issued a monitoring report to the BIE on October 23, 2019. The BIE submitted a response on April 2, 2020. OSEP reviewed the BIE’s submission and responded on September 3, 2020. The BIE’s response is due under separate cover.

## Intro - Required Actions

In its FFY 2020 IDEA Part B SPP/APR submission due February 1, 2022, as required by the measurement table for Part B SPP/APR Indicator 17, consistent with 20 U.S.C. 1416(b)(2)(B)(i) and 34 C.F.R. §§ 300.601(b)(1), 300.708(d), and 300.716, the BIE must: (1) Explicitly align the milestones from the SSIP and the BIE’s strategic plan, and provide a connection to the BIE’s theory of action in the SSIP; (2) Clearly outline the distinctions between the intended outcomes of each tier of support; (3) Identify clear interim measures of progress for each coherent improvement strategy and each evidence-based practice; and (4) Clearly and strategically connect evidence-based practices and coherent improvement strategies and any reported progress to the activities conducted.

# Indicator 1: Graduation

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with Individualized Education Programs (IEPs) graduating from high school with a regular high school diploma. (20 U.S.C. 1416 (a)(3)(A))

**Data Source**

Same data as used for reporting to the Department of Education (Department) under Title I of the Elementary and Secondary Education Act (ESEA).

**Measurement**

States may report data for children with disabilities using either the four-year adjusted cohort graduation rate required under the ESEA or an extended-year adjusted cohort graduation rate under the ESEA, if the State has established one.

**Instructions**

Sampling is not allowed.

Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), and compare the results to the target. Provide the actual numbers used in the calculation.

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain.

Targets should be the same as the annual graduation rate targets for children with disabilities under Title I of the ESEA.

States must continue to report the four-year adjusted cohort graduation rate for all students and disaggregated by student subgroups including the children with disabilities subgroup, as required under section 1111(h)(1)(C)(iii)(II) of the ESEA, on State report cards under Title I of the ESEA even if they only report an extended-year adjusted cohort graduation rate for the purpose of SPP/APR reporting.

## 1 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2011 | 53.68% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target >= | 53.12% | 53.12% | 53.12% | 55.12% | 57.12% |
| Data | 74.16% | 65.82% | 51.49% | 63.06% | 63.72% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target >= | 57.12% |

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2018-19 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec FS151; Data group 696) | 07/27/2020 | Number of youth with IEPs graduating with a regular diploma | \*[[1]](#footnote-2) |
| SY 2018-19 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec FS151; Data group 696) | 07/27/2020 | Number of youth with IEPs eligible to graduate | 479 |
| SY 2018-19 Regulatory Adjusted Cohort Graduation Rate (EDFacts file spec FS150; Data group 695) | 07/27/2020 | Regulatory four-year adjusted-cohort graduation rate table | 67%[[2]](#footnote-3) |

**FFY 2019 SPP/APR Data**

| **Number of youth with IEPs in the current year’s adjusted cohort graduating with a regular diploma** | **Number of youth with IEPs in the current year’s adjusted cohort eligible to graduate** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| \*1 | 479 | 63.72% | 57.12% | 67%2 | Met Target | No Slippage |

**Graduation Conditions**

**Choose the length of Adjusted Cohort Graduation Rate your state is using:**

4-year ACGR

**Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain*.***

BIE-funded schools are located in 23 states. All students must meet the graduation requirements for a regular high school diploma for the state in which the school is located.

**Are the conditions that youth with IEPs must meet to graduate with a regular high school diploma different from the conditions noted above? (yes/no)**

NO

**Provide additional information about this indicator (optional)**

## 1 - Prior FFY Required Actions

None

## 1 - OSEP Response

## 1 - Required Actions

# Indicator 2: Drop Out

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

**Data Source**

OPTION 1:

Same data as used for reporting to the Department under section 618 of the Individuals with Disabilities Education Act (IDEA), using the definitions in EDFacts file specification FS009.

OPTION 2:

Use same data source and measurement that the State used to report in its FFY 2010 SPP/APR that was submitted on February 1, 2012.

**Measurement**

OPTION 1:

States must report a percentage using the number of youth with IEPs (ages 14-21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who left high school (ages 14-21) in the denominator.

OPTION 2:

Use same data source and measurement that the State used to report in its FFY 2010 SPP/APR that was submitted on February 1, 2012.

**Instructions**

Sampling is not allowed.

OPTION 1:

Use 618 exiting data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019). Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) received a certificate; (c) reached maximum age; (d) dropped out; or (e) died.

Do not include in the denominator the number of youths with IEPs who exited special education due to: (a) transferring to regular education; or (b) who moved, but are known to be continuing in an educational program.

OPTION 2:

Use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistic's Common Core of Data.

If the State has made or proposes to make changes to the data source or measurement under Option 2, when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012, the State should include a justification as to why such changes are warranted.

Options 1 and 2:

Data for this indicator are “lag” data. Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), and compare the results to the target.

Provide a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, explain.

## 2 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2015 | 5.27% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target <= | 9.08% | 5.27% | 5.26% | 5.26% | 5.25% |
| Data | 6.10% | 5.27% | 8.17% | 4.76% | 3.27% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target <= | 5.25% |

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**Please indicate the reporting option used on this indicator**

Option 2

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by graduating with a regular high school diploma (a) | 326 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by receiving a certificate (b) | 4 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by reaching maximum age (c) | 0 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education due to dropping out (d) | 131 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education as a result of death (e) | 1 |

**Has your State made or proposes to make changes to the data source under Option 2, when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012? (yes/no)**

NO

**Use a different calculation methodology (yes/no)**

YES

**Change numerator description in data table (yes/no)**

YES

**Change denominator description in data table (yes/no)**

YES

**If use a different calculation methodology is yes, provide an explanation of the different calculation methodology**

**FFY 2019 SPP/APR Data**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of students with disabilities who dropped out in grades 7 through 12 (SY 2018-19) as reported in FS032 | The Child Count reported in SY 2018-19 in FS002 for ages 12 to 21 | **FFY** **2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| 169 | 3,087 | 3.27% | 5.25% | 5.47% | Did Not Meet Target | Slippage |

**Provide reasons for slippage, if applicable**

BIE reported 77 more dropouts in FFY 2019 than in FFY 2018 resulting in a higher percentage for SPPAPR Indicator B2-dropout rate for students with disabilities. These data reflect SY 2017-2018 and SY 2018-2019. An analysis of the data revealed that 63 of the additional 77 dropouts are from 9 BIE-funded schools. These schools reported between 4 and 10 additional dropouts in SY 2018-2019 as compared to SY 2017-2018. An additional 5 schools reported 3 more dropouts in SY 2018-2019 over the previous year. Of these 14 schools, 12 are Tribally Controlled Schools and 2 are Bureau Operated Schools.

The data for the 14 schools that accounted for the 78 dropouts were also analyzed by the geographic location of the school--the state in which the school is located. Four of the 14 schools are in the southwest (AZ, NM), five schools are in north-central (SD, ND, MN), two are in the southeast (NC, MS) and 3 are in the northwest (WA, MT).

Dropout data are lagged data. Therefore, BIE's Division of Performance and Accountability (DPA) special education staff will share these data and the most recent dropout data with all schools to determine the dropout trends. BIE is leveraging activities for dropout prevention (SPPAPR B2) along with graduation improvement (SPPAPR B1), improved transition planning and services (SPPAPR B13), and improved post-school outcomes (SPPAPR B14) with BIE's State Systemic Improvement Plan (SSIP), BIE's Strategic Direction (Goal 4, milestone 4.2.5), and the Cooperative Agreement with WestEd to improve secondary transition.

**Provide a narrative that describes what counts as dropping out for all youth**

Students who were enrolled at the start of the reporting period of the school year but were not enrolled at the end of the reporting period school year and did not exit through any other means. The dropout count includes runaways, GED recipients, expulsions, status unknown, and students who moved but are not known to continue in any education program.

**Is there a difference in what counts as dropping out for youth with IEPs? (yes/no)**

NO

**If yes, explain the difference in what counts as dropping out for youth with IEPs below.**

**Provide additional information about this indicator (optional)**

These are lagged data; therefore, there is no impact by COVID-19.

## 2 - Prior FFY Required Actions

None

## 2 - OSEP Response

## 2 - Required Actions

# Indicator 3B: Participation for Students with IEPs

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator**: Participation and performance of children with IEPs on statewide assessments:

A. Indicator 3A – Reserved

B. Participation rate for children with IEPs

C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

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

**Data Source**

3B. Same data as used for reporting to the Department under Title I of the ESEA, using EDFacts file specifications FS185 and 188.

**Measurement**

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

**Instructions**

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3B: Provide separate reading/language arts and mathematics participation rates, inclusive of all ESEA grades assessed (3-8 and high school), for children with IEPs. Account for ALL children with IEPs, in all grades assessed, including children not participating in assessments and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3B - Indicator Data

**Reporting Group Selection**

**Based on previously reported data, these are the grade groups defined for this indicator.**

| **Group** | **Group Name** | **Grade 3** | **Grade 4** | **Grade 5** | **Grade 6** | **Grade 7** | **Grade 8** | **Grade 9** | **Grade 10** | **Grade 11** | **Grade 12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Overall | X | X | X | X | X | X | X | X | X | X |  |

**Historical Data: Reading**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Group**  | **Group Name**  | **Baseline**  | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| **A** | Overall | 2005 | Target >= | 96.00% | 96.00% | 96.00% | 96.00% | 96.00% |
| **A** | Overall | 92.28% | Actual | NVR | 93.79% | 71.80% | 92.80% | 93.90% |

**Historical Data: Math**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Group**  | **Group Name**  | **Baseline**  | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| **A** | Overall | 2005 | Target >= | 96.00% | 96.00% | 96.00% | 96.00% | 96.00% |
| **A** | Overall | 92.28% | Actual | NVR | 96.89% | 71.96% | 90.74% | 93.89% |

**Targets**

|  |  |  |  |
| --- | --- | --- | --- |
| **Subject** | **Group** | **Group Name** | **2019** |
| Reading | A >= | Overall | 96.00% |
| Math | A >= | Overall | 96.00% |

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**FFY 2019 Data Disaggregation from EDFacts**

**Include the disaggregated data in your final SPP/APR. (yes/no)**

YES

**Data Source:**

SY 2019-20 Assessment Data Groups - Reading (EDFacts file spec FS188; Data Group: 589)

**Date:**

**Reading Assessment Participation Data by Grade**

| **Grade** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. Children with IEPs |  |  |  |  |  |  |  |  |  |  |  |
| b. IEPs in regular assessment with no accommodations |  |  |  |  |  |  |  |  |  |  |  |
| c. IEPs in regular assessment with accommodations |  |  |  |  |  |  |  |  |  |  |  |
| f. IEPs in alternate assessment against alternate standards |  |  |  |  |  |  |  |  |  |  |  |

**Data Source:**

SY 2019-20 Assessment Data Groups - Math (EDFacts file spec FS185; Data Group: 588)

**Date:**

**Math Assessment Participation Data by Grade**

| **Grade** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. Children with IEPs |  |  |  |  |  |  |  |  |  |  |  |
| b. IEPs in regular assessment with no accommodations |  |  |  |  |  |  |  |  |  |  |  |
| c. IEPs in regular assessment with accommodations |  |  |  |  |  |  |  |  |  |  |  |
| f. IEPs in alternate assessment against alternate standards |  |  |  |  |  |  |  |  |  |  |  |

**FFY 2019 SPP/APR Data: Reading Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs** | **Number of Children with IEPs Participating** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Overall |  |  | 93.90% | 96.00% |  | N/A | N/A |

**FFY 2019 SPP/APR Data: Math Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs** | **Number of Children with IEPs Participating** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Overall |  |  | 93.89% | 96.00% |  | N/A | N/A |

**Regulatory Information**

**The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]**

**Public Reporting Information**

**Provide links to the page(s) where you provide public reports of assessment results.**

**Provide additional information about this indicator (optional)**

## 3B - Prior FFY Required Actions

Within 90 days of the receipt of the BIE's 2020 determination letter, the BIE must provide to OSEP a Web link that demonstrates that it has reported, for FFY 2018, to the public, on the statewide assessments of children with disabilities in accordance with 34 C.F.R. § 300.160(f). In addition, OSEP reminds the BIE that in the FFY 2019 SPP/APR, the BIE must include a Web link that demonstrates compliance with 34 C.F.R. § 300.160(f) for FFY 2019.

**Response to actions required in FFY 2018 SPP/APR**

## 3B - OSEP Response

The BIE was not required to provide any data for this indicator. Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the BIE received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, does not have any FFY 2019 data for this indicator.

OSEP's response to the BIE's FFY 2018 SPP/APR required the BIE to provide OSEP with a Web link that demonstrates that it has reported, for FFY 2018, to the public, on the Statewide assessments of children with disabilities in accordance with 34 C.F.R. § 300.160(f). The BIE provided the required information.

## 3B - Required Actions

# Indicator 3C: Proficiency for Students with IEPs

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Participation and performance of children with IEPs on statewide assessments:

A. Indicator 3A – Reserved

B. Participation rate for children with IEPs

C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

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

**Data Source**

3C. Same data as used for reporting to the Department under Title I of the ESEA, using EDFacts file specifications FS175 and 178.

**Measurement**

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

**Instructions**

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3C: Proficiency calculations in this SPP/APR must result in proficiency rates for reading/language arts and mathematics assessments (combining regular and alternate) for children with IEPs, in all grades assessed (3-8 and high school), including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3C - Indicator Data

**Reporting Group Selection**

**Based on previously reported data, these are the grade groups defined for this indicator.**

| **Group** | **Group Name** | **Grade 3** | **Grade 4** | **Grade 5** | **Grade 6** | **Grade 7** | **Grade 8** | **Grade 9** | **Grade 10** | **Grade 11** | **Grade 12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Overall | X | X | X | X | X | X | X | X | X | X |  |

**Historical Data: Reading**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Group** | **Group Name** | **Baseline**  | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| **A** | Overall | 2018 | Target >= |  |  |  |  | 6.50% |
| **A** | Overall | 6.25% | Actual | NVR | 20.69% | 11.46% | NVR | 6.52% |

**Historical Data: Math**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Group**  | **Group Name** | **Baseline**  | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| **A** | Overall | 2018 | Target >= |  |  |  |  | 4.30% |
| **A** | Overall | 4.32% | Actual | NVR | 12.34% | 10.81% | NVR | 4.32% |

**Targets**

|  |  |  |  |
| --- | --- | --- | --- |
| **Subject** | **Group** | **Group Name** | **2019** |
| Reading | A >= | Overall | 6.50% |
| Math | A >= | Overall | 4.35% |

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**FFY 2019 Data Disaggregation from EDFacts**

**Include the disaggregated data in your final SPP/APR. (yes/no)**

YES

**Data Source:**

SY 2019-20 Assessment Data Groups - Reading (EDFacts file spec FS178; Data Group: 584)

**Date:**

**Reading Proficiency Data by Grade**

| **Grade** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. Children with IEPs who received a valid score and a proficiency was assigned |  |  |  |  |  |  |  |  |  |  |  |
| b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |
| c. IEPs in regular assessment with accommodations scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |
| f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |

**Data Source:**

SY 2019-20 Assessment Data Groups - Math (EDFacts file spec FS175; Data Group: 583)

**Date:**

**Math Proficiency Data by Grade**

| **Grade** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **HS** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. Children with IEPs who received a valid score and a proficiency was assigned |  |  |  |  |  |  |  |  |  |  |  |
| b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |
| c. IEPs in regular assessment with accommodations scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |
| f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level |  |  |  |  |  |  |  |  |  |  |  |

**FFY 2019 SPP/APR Data: Reading Assessment**

| **Group** | **Group Name** | **Children with IEPs who received a valid score and a proficiency was assigned** | **Number of Children with IEPs Proficient** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Overall |  |  | 6.52% | 6.50% |  | N/A | N/A |

**FFY 2019 SPP/APR Data: Math Assessment**

| **Group** | **Group Name** | **Children with IEPs who received a valid score and a proficiency was assigned** | **Number of Children with IEPs Proficient** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Overall |  |  | 4.32% | 4.35% |  | N/A | N/A |

**Regulatory Information**

**The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]**

**Public Reporting Information**

**Provide links to the page(s) where you provide public reports of assessment results.**

**Provide additional information about this indicator (optional)**

## 3C - Prior FFY Required Actions

Within 90 days of the receipt of the BIE's 2020 determination letter, the BIE must provide to OSEP a Web link that demonstrates that it has reported, for FFY 2018, to the public, on the statewide assessments of children with disabilities in accordance with 34 C.F.R. § 300.160(f).  In addition, OSEP reminds the BIE that in the FFY 2019 SPP/APR, the BIE must include a Web link that demonstrates compliance with 34 C.F.R. § 300.160(f) for FFY 2019.

**Response to actions required in FFY 2018 SPP/APR**

## 3C - OSEP Response

The BIE was not required to provide any data for this indicator. Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the BIE received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, does not have any FFY 2019 data for this indicator.

OSEP's response to the BIE's FFY 2018 SPP/APR required the BIE to provide OSEP with a Web link that demonstrates that it has reported, for FFY 2018, to the public, on the Statewide assessments of children with disabilities in accordance with 34 C.F.R. § 300.160(f). The BIE provided the required information.

## 3C - Required Actions

# Indicator 4A: Suspension/Expulsion

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

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

**Data Source**

State discipline data, including State’s analysis of State’s Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

**Measurement**

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

Include State’s definition of “significant discrepancy.”

**Instructions**

If the State has established a minimum n size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n size. If the State used a minimum n size requirement, report the number of districts excluded from the calculation as a result of this requirement.

Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State’s examination must include one of the following comparisons:

--The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or

--The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

Indicator 4A: Provide the actual numbers used in the calculation (based upon districts that met the minimum n size requirement, if applicable). If significant discrepancies occurred, describe how the State educational agency reviewed and, if appropriate, revised (or required the affected local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with applicable requirements.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with the Office of Special Education Programs (OSEP) Memorandum 09-02, dated October 17, 2008.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for 2018-2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 4A - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2013 | 4.92% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target <= | 4.92% | 4.92% | 4.92% | 4.50% | 4.00% |
| Data | 2.20% | 3.01% | 8.47% | 13.27% | 3.17% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target <= | 4.00% |

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**FFY 2019 SPP/APR Data**

**Has the state established a minimum n-size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement.**

59

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of districts that have a significant discrepancy** | **Number of Districts that met the State's minimum n-size** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| 6 | 115 | 3.17% | 4.00% | 5.22% | Did Not Meet Target | Slippage |

**Provide reasons for slippage, if applicable**

BIE examined the FFY 2019 data. Six schools with significant discrepancy did not have significant discrepancy in FFY 2018. Two of the six schools had only two students suspended greater than 10 days. Three schools had three students suspended greater than 10 day; and one school had four students suspended greater than 10 days. Although the number of schools reporting significant discrepancy resulting in an increase percentage for B4a data, the actual number of students suspended greater than 10 days decreased by 4 students. In FFY 2018, four schools reported reported a total of 21 students with Out of School Suspension (OSS) greater than 10 days; in FFY 2019, six schools reported only a total of 17 students. The analysis of the data revealed no definitive conclusion regarding the reasons for the increase in number of schools, but the small number of students impacting these data demonstrates that this is not a pervasive issue for the BIE.

**Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a))**

The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA

**State’s definition of “significant discrepancy” and methodology**

The BIE continues to use the rate ratio to compare a district-level suspension/expulsion rate for children with disabilities to the same district’s suspension/expulsion rate for children without disabilities.

A school will have significant discrepancy when its suspension/expulsion rate for children with disabilities is 3 times more than its suspension/expulsion rate for children without disabilities (a rate ratio of 3.00 or more).

Schools that did not report discipline resolutions for students with or without disabilities are not included in the calculation. Schools reporting discipline resolutions with an "n" size of 20 or fewer students with disabilities are not included in the calculation of significant discrepancy. Rates of suspension and expulsion for schools with 20 or fewer with students with disabilities and schools not reporting any discipline resolutions will be reviewed during monitoring.

BIE stakeholders have determined that LEAs in which only one student with a disability was suspended/expelled greater than ten days in a school year will not be considered to be a significant discrepancy.

BIE uses the state rate for students without disabilities as the comparison group when the school has no student without disabilities who have been suspended greater than 10 days in the school year.

**Provide additional information about this indicator (optional)**

**Review of Policies, Procedures, and Practices (completed in FFY 2019 using 2018-2019 data)**

**Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

The BIE reviewed policies, procedures, and practices of the schools identified with significant discrepancy in FFY 2019 using 2018-19 data. Schools identified with significant discrepancy were notified and requested to provide the following:

School policies, procedures, and practices relating to development and implementation of the IEPs Positive Behavior interventions and supports being implemented. Procedural Safeguards documentation that is provided to the parents, and documented evidence of the school's file review for each student with a disability who was suspended for greater than 10 days.

The BIE reviewed the documents to determine if the school's policies, procedures, and practices were in compliance with regulatory requirements 34 CFR §300.530 and all of the procedural safeguard provisions in 34 CFR §§300.500-300.536. The BIE also examined documentation in the NASIS to ensure that schools were correctly entering the data. Additional data was reviewed in NASIS to ensure that students were receiving FAPE when suspended beyond 10 days (BIE reviewed the schools’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the schools identified with significant discrepancies in FFY 2019, based on FFY 2018 discipline data). The review resulted in no findings of noncompliance. The regulatory compliance review showed the 6 schools identified with significant discrepancy were in compliance with regulatory requirements.

The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 4A - Prior FFY Required Actions

None

## 4A - OSEP Response

## 4A - Required Actions

# Indicator 4B: Suspension/Expulsion

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

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

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

**Data Source**

State discipline data, including State’s analysis of State’s Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

**Measurement**

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

Include State’s definition of “significant discrepancy.”

**Instructions**

If the State has established a minimum n size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n size. If the State used a minimum n size requirement, report the number of districts excluded from the calculation as a result of this requirement.

Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State’s examination must include one of the following comparisons

--The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or

--The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

Indicator 4B: Provide the following: (a) the number of districts that met the State-established n size (if applicable) for one or more racial/ethnic groups that have a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) the number of those districts in which policies, procedures or practices contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with the Office of Special Education Programs (OSEP) Memorandum 09-02, dated October 17, 2008.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for 2018-2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Targets must be 0% for 4B.

## 4B - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

YES

**Provide an explanation of why it is not applicable below:**

The indicator is not applicable to the BIE because all children in BIE schools are of American Indian ethnicity.

## 4B - Prior FFY Required Actions

None

## 4B - OSEP Response

OSEP notes that this Indicator is not applicable to the BIE.

## 4B- Required Actions

# Indicator 5: Education Environments (children 6-21)

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Education environments (children 6-21): Percent of children with IEPs aged 6 through 21 served:

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

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

C. In separate schools, residential facilities, or homebound/hospital placements.

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

**Data Source**

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in EDFacts file specification FS002.

**Measurement**

Percent = [(# of children with IEPs aged 6 through 21 served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Percent = [(# of children with IEPs aged 6 through 21 served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Percent = [(# of children with IEPs aged 6 through 21 served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)]times 100.

**Instructions**

Sampling from the State’s 618 data is not allowed.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA, explain.

## 5 - Indicator Data

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part** | **Baseline**  | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| A | 2019 | Target >= | 74.50% | 74.50% | 74.50% | 74.50% | 74.50% |
| A | 80.81% | Data | 73.94% | 73.66% | 74.35% | 72.86% | 73.66% |
| B | 2019 | Target <= | 6.00% | 6.00% | 6.00% | 6.00% | 6.00% |
| B | 5.55% | Data | 5.59% | 5.33% | 5.41% | 5.80% | 5.62% |
| C | 2019 | Target <= | 0.90% | 0.90% | 0.90% | 0.90% | 0.90% |
| C | 0.54% | Data | 0.72% | 0.53% | 0.55% | 0.60% | 0.63% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target A >= |  |
| Target B <= |  |
| Target C <= |  |

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

Because of the changes in methodology for this indicator, BIE's FFY 2019 data has become a new baseline for B5. Stakeholders will be invited to provide input on target setting for this indicator for FFY 2020-2025, which will be submitted in the FFY 2020 APR.

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | Total number of children with IEPs aged 6 through 21 | 7,014 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day | 5,668 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day | 389 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c1. Number of children with IEPs aged 6 through 21 in separate schools | 6 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c2. Number of children with IEPs aged 6 through 21 in residential facilities | 19 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c3. Number of children with IEPs aged 6 through 21 in homebound/hospital placements | 13 |

**Select yes if the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA.**

NO

**FFY 2019 SPP/APR Data**

| **Education Environments** | **Number of children with IEPs aged 6 through 21 served** | **Total number of children with IEPs aged 6 through 21** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day | 5,668 | 7,014 | 73.66% |  | 80.81% | N/A | N/A |
| B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day | 389 | 7,014 | 5.62% |  | 5.55% | N/A | N/A |
| C. Number of children with IEPs aged 6 through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3] | 38 | 7,014 | 0.63% |  | 0.54% | N/A | N/A |

**Use a different calculation methodology (yes/no)**

NO

**Provide additional information about this indicator (optional)**

During FFY 2019 BIE changed its methodology for calculating indicator B5. BIE reported five-year-old children with disabilities who are enrolled in kindergarten in this indicator for the first time in FFY 2019. Targets will be set based on this baseline for the FFY 2020 and beyond.

## 5 - Prior FFY Required Actions

None

## 5 - OSEP Response

The BIE has revised the baseline for this indicator, using data from FFY 2019, and OSEP accepts that revision.

Reporting requirements for the IDEA section 618 data collection (specifically, IDEA Part B Child Counts and Educational Environments) were updated to allow States to include five-year-olds in Kindergarten in file specification FS002 - Children with Disabilities (IDEA) School Age and exclude these children from file specification FS089 - Children with Disabilities (IDEA) Early Childhood for School Year (SY) 2019-20. SY 2019-20 (i.e., FFY 2019) was the transition year for this change; States had the option to report five-year-olds in Kindergarten in FS002 in their SY 2019-20 submission or wait to do so with their SY 2020-21 submission, when the change becomes permanent. The BIE transitioned to reporting five-year-olds in Kindergarten in FS002 for its SY 2019-20 submission under IDEA section 618. This change impacts the BIE’s data for SPP/APR Indicators 5 and 6, because the required data source for SPP/APR Indicators 5 and 6 is the same data as used for reporting to the Department under IDEA section 618. Therefore, the BIE's slippage status indicates “NA” for this indicator.

## 5 - Required Actions

# Indicator 6: Preschool Environments

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Preschool environments: Percent of children aged 3 through 5 with IEPs attending a:

A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and

B. Separate special education class, separate school or residential facility.

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

**Data Source**

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in EDFacts file specification FS089.

**Measurement**

Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

**Instructions**

Sampling from the State’s 618 data is not allowed.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA, explain.

## 6 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

YES

**Provide an explanation of why it is not applicable below.**

The indicator is not applicable to the BIE because in BIE schools does not serve students less than 5 years old.

## 6 - Prior FFY Required Actions

None

## 6 - OSEP Response

OSEP notes that this Indicator is not applicable to the BIE.

## 6 - Required Actions

# Indicator 7: Preschool Outcomes

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

A. Positive social-emotional skills (including social relationships);

B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and

C. Use of appropriate behaviors to meet their needs.

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

**Data Source**

State selected data source.

**Measurement**

Outcomes:

A. Positive social-emotional skills (including social relationships);

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and

C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.

b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.

d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

**Summary Statements for Each of the Three Outcomes:**

**Summary Statement 1**: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 1:** Percent = [(# of preschool children reported in progress category (c) plus # of preschool children reported in category (d)) divided by (# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d))] times 100.

**Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2**: Percent = [(# of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e)) divided by (the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e))] times 100.

**Instructions**

Sampling of **children for assessment** is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See General Instructions on page 2 for additional instructions on sampling.)

In the measurement include, in the numerator and denominator, only children who received special education and related services for at least six months during the age span of three through five years.

Describe the results of the calculations and compare the results to the targets. States will use the progress categories for each of the three Outcomes to calculate and report the two Summary Statements. States have provided targets for the two Summary Statements for the three Outcomes (six numbers for targets for each FFY).

Report progress data and calculate Summary Statements to compare against the six targets. Provide the actual numbers and percentages for the five reporting categories for each of the three outcomes.

In presenting results, provide the criteria for defining “comparable to same-aged peers.” If a State is using the Early Childhood Outcomes Center (ECO) Child Outcomes Summary (COS), then the criteria for defining “comparable to same-aged peers” has been defined as a child who has been assigned a score of 6 or 7 on the COS.

In addition, list the instruments and procedures used to gather data for this indicator, including if the State is using the ECO COS.

## 7 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

YES

**Provide an explanation of why it is not applicable below.**

This indicator does not apply to the BIE because BIE does not serve students younger than five years of age.

## 7 - Prior FFY Required Actions

None

## 7 - OSEP Response

OSEP notes that this Indicator is not applicable to the BIE.

## 7 - Required Actions

# Indicator 8: Parent involvement

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** 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))

**Data Source**

State selected data source.

**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.

**Instructions**

Sampling **of parents from whom response is requested** is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See General Instructions on page 2 for additional instructions on sampling.)

Describe the results of the calculations and compare the results to the target.

Provide the actual numbers used in the calculation.

If the State is using a separate data collection methodology for preschool children, the State must provide separate baseline data, targets, and actual target data or discuss the procedures used to combine data from school age and preschool data collection methodologies in a manner that is valid and reliable.

While a survey is not required for this indicator, a State using a survey must submit a copy of any new or revised survey with its SPP/APR.

Report the number of parents to whom the surveys were distributed.

Include the State’s analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services. States should consider categories such as race and ethnicity, age of the student, disability category, and geographic location in the State.

If the analysis shows that the demographics of the parents responding are not representative of the demographics of children receiving special education services in the State, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State distributed the survey to parents (e.g., by mail, by e-mail, on-line, by telephone, in-person through school personnel), and how responses were collected.

States are encouraged to work in collaboration with their OSEP-funded parent centers in collecting data.

## 8 - Indicator Data

| **Question** | **Yes / No**  |
| --- | --- |
| Do you use a separate data collection methodology for preschool children?  | NO |

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2015 | 47.03% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target >= | 39.00% | 47.00% | 48.00% | 49.00% | 50.00% |
| Data |  | 47.03% | 45.97% | 48.99% | 47.90% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target >= | 50.00% |

**FFY 2019 SPP/APR Data**

| **Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities** | **Total number of respondent parents of children with disabilities** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 992 | 2,057 | 47.90% | 50.00% | 48.23% | Did Not Meet Target | No Slippage |

**The number of parents to whom the surveys were distributed.**

7,023

**Percentage of respondent parents**

29.29%

**Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable.**

Not Applicable. The BIE only reports on children 4 years to 21 years (kindergarten to twelfth grade). BIE had 9 four-year old children in kindergarten in SY 2019-20.

| **Sampling Question** | **Yes / No** |
| --- | --- |
| Was sampling used?  | NO |

| **Survey Question** | **Yes / No** |
| --- | --- |
| Was a survey used?  | YES |
| If yes, is it a new or revised survey? | NO |
| The demographics of the parents responding are representative of the demographics of children receiving special education services. | NO |

**If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics.**

Note: if the answer is no, we will use the same description of strategy.

BIE’s parent survey is available for every parent who has a child with a disability. The survey is also anonymous. Therefore, BIE does not have the ability to track responses to encourage participation from parents of children with underrepresented disability categories.

Increasing participation has the potential to increase representativeness. Strategies to increase participation that BIE will employ include publicizing the survey on school websites, share the survey and results of the survey with teachers and school leaders to encourage them to promote parent participation and work with parent groups to encourage participation.

BIE will also work with the IDEA Data Center to brainstorm strategies to improve representativeness that will be effective given BIE’s unique state and schools located in 23 states across the country.

**Include the State’s analyses of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.**

BIE examined the parent survey data by grade and found it to be representative. All students are form the Native American racial/ethnic group. Therefore, analysis by race/ethnicity is not necessary.

In terms of disability category, the survey responses were representative for some of the disability categories. The representativeness was measured by comparing the composition of each disability category within the population and the survey responses. If each disability category differs by less than 3% between the population and respondents then it was considered to be representative. There are three disabilities that show slight issues related to representativeness between survey respondents and actual student population. The respondents were over-represented on Speech/Language, SLI disabilities (they were 15.7% of the population and were 20.4% of the respondents, over represented by 4.7 percentage points) and underrepresented on SLD (they were 48.9% of the population and were 34.7% of the respondents, underrepresented by 11.4 percentage points), and Other Health Impaired (they were 9.6% of the population and 5.7% of the respondents underrepresented by 3.8%). 10.1% of the parents did not designated their child's disability when responding to the survey.

Provide additional information about this indicator (optional)

**Provide additional information about this indicator (optional)**

The number of data collected was impacted by COVID-19. The participation rate decreased as compared to FFY 2018. Schools closed in March 2020. Eighty-two of 174 schools returned completed parent surveys although the due date for schools to return completed surveys was extended two times. School staff also did not have the IT infrastructure in place in homes to scan and email or fax the surveys back to DPA office.

## 8 - Prior FFY Required Actions

In the FFY 2019 SPP/APR, the BIE must report whether its FFY 2019 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the BIE is taking to address this issue. The BIE must also include its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

**Response to actions required in FFY 2018 SPP/APR**

BIE reported on the FFY 2019 APR an analysis of the representativeness of the parents who responded to the survey. COVID-19 impacted BIE's efforts to address representativeness. For example, DPA collaborative with schools to improve survey participation. However, COVID-19 negatively impacted the ability to increase participation and therefore, improve representativeness.

## 8 - OSEP Response

The BIE reported that the COVID-19 pandemic impacted the data for this indicator. Specifically, the BIE reported that, due to COVID-19, the percentage of respondent parents decreased in FFY 2019 and that 82 of 174 schools returned completed parent surveys although the due date for returning completed surveys was extended twice.

OSEP's response to the BIE's FFY 2018 SPP/APR required the BIE to report in the FFY 2019 SPP/APR whether its FFY 2019 data are from a responsive group that is representative of the demographics of children receiving special education services; if not, the actions the BIE is taking to address this issue; and its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services. The BIE provided the required information. The BIE also reported that COVID-19 impacted the BIE's ability to increase parental participation and, therefore, improve representativeness of the data.

## 8 - Required Actions

In the FFY 2020 SPP/APR, the BIE must report whether its FFY 2020 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the BIE is taking to address this issue. The BIE must also include its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

# Indicator 9: Disproportionate Representation

**Instructions and Measurement**

**Monitoring Priority:** Disproportionality

**Compliance indicator**: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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

**Data Source**

State’s analysis, based on State’s Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.

**Measurement**

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State’s definition of “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for FFY 2018, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2019 reporting period (i.e., after June 30, 2020).

**Instructions**

Provide racial/ethnic disproportionality data for all children aged 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken. If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 9 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

YES

**Provide an explanation of why it is not applicable below.**

The indicator is not applicable to the BIE because all children in BIE schools are of American Indian ethnicity.

## 9 - Prior FFY Required Actions

None

## 9 - OSEP Response

OSEP notes that this Indicator is not applicable to the BIE.

## 9 - Required Actions

# Indicator 10: Disproportionate Representation in Specific Disability Categories

**Instructions and Measurement**

**Monitoring Priority:** Disproportionality

**Compliance indicator**: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

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

**Data Source**

State’s analysis, based on State’s Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

**Measurement**

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State’s definition of “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for FFY 2019, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2019 reporting period (i.e., after June 30, 2020).

**Instructions**

Provide racial/ethnic disproportionality data for all children aged 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 10 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

YES

**Provide an explanation of why it is not applicable below**

The indicator is not applicable to the BIE because all children in BIE schools are of American Indian ethnicity.

## 10 - Prior FFY Required Actions

None

## 10 - OSEP Response

OSEP notes that this Indicator is not applicable to the BIE.

## 10 - Required Actions

# Indicator 11: Child Find

**Instructions and Measurement**

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

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

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

**Data Source**

Data to be taken from State monitoring or State data system and must be based on actual, not an average, number of days. Indicate if the State has established a timeline and, if so, what is the State’s timeline for initial evaluations.

**Measurement**

a. # of children for whom parental consent to evaluate was received.

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

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

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

**Instructions**

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Note that under 34 CFR §300.301(d), the timeframe set for initial evaluation does not apply to a public agency if: (1) the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) a child enrolls in a school of another public agency after the timeframe for initial evaluations has begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability. States should not report these exceptions in either the numerator (b) or denominator (a). If the State-established timeframe provides for exceptions through State regulation or policy, describe cases falling within those exceptions and include in b.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 11 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2005 | 86.90% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target  | 100% | 100% | 100% | 100% | 100% |
| Data | 89.28% | 86.12% | 83.45% | 91.23% | 93.07% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target  | 100% |

**FFY 2019 SPP/APR Data**

| **(a) Number of children for whom parental consent to evaluate was received** | **(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 586 | 457 | 93.07% | 100% | 77.99% | Did Not Meet Target | Slippage |

**Provide reasons for slippage**

Due to COVID-19, BIE couldn't obtain data from 24 schools. During the COVID-19 pandemic, BIE DPA staff had limited access to schools. Reasons for not obtaining data from these 24 schools include schools’ staff lack of computers for access to NASIS, lack of reliable internet access, teacher turnover, tribal executive orders, school closures, and some special education staff passed away due to COVID 19. As a result, BIE DPA staff was not able to obtain data from these 24 schools.

**Number of children included in (a) but not included in (b)**

129

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

Range of days beyond the timeline when evaluation was completed: 1 day to not yet
complete due to Covid.

Of the evaluations beyond 60 days
1 student’s evaluation was delayed due to weather conditions
9 students’ evaluations were delayed due undetermined issues reported as “other”
11 students’ evaluations were delayed due to evaluator issues
11 students’ data were not available
97 students’ evaluations were delayed due to Covid-19

**Indicate the evaluation timeline used:**

The State used the 60 day timeframe within which the evaluation must be conducted

**What is the source of the data provided for this indicator?**

State database that includes data for the entire reporting year

**Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data.**

The BIE collects the Indicator 11 data (July 1, 2019 to June 30, 2020) through a desk audit utilizing the NASIS from all schools with academic programs. The desk audit is one of the components of BIEs monitoring activities.

All schools with academic programs self-report the initial evaluation using the Indicator 11 Desk Audit form which collects name of school and the number of complete initial evaluations for SY 2019-2020. The desk audit forms are made available via a link on the BIE website. The BIE reviews and determines if the data submitted by the schools were initial evaluations utilizing the NASIS to ensure the 60-day timeline has been met. The BIE verifies the initial evaluation data submitted by the school against the documents in NASIS.

All schools with academic programs are provided advanced written notification and webinar training of the desk audit for the purpose of determining compliance of the 60-day timeline to complete initial evaluations. To conduct the Indicator 11 Desk Audit, the BIE reviews and verifies the following documents that schools scan and upload in the NASIS Special Education Module:

Parent Consent to Evaluate (Assessment Plan) with signature and date, and
Determination of Eligibility (Evaluation Summary Report) with signature and date.
If the BIE needs clarification, the school is contacted (e.g., if the parent consent had a different date than was indicated on the uploaded document). In response, schools provide clarification and/or upload required documents in NASIS

**Provide additional information about this indicator (optional)**

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 61 | 61 | 0 | 0 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

All findings of noncompliance for SY 2018-19 were verified corrected in accordance with OSEP Memo 09-02 within one year of issuing the findings. The BIE reviewed subsequent initial evaluation data (60-day timeline data) collected through NASIS and verified that schools are correctly implementing the regulatory requirements.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The BIE verified correction of each instance of noncompliance (61 findings) for this indicator in FFY 2018 by reviewing the data and verifying that all 61 eligible and ineligible students had their evaluations completed. Each of the files was reviewed through NASIS and verified that all eligible students' evaluations were subsequently completed.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 11 - Prior FFY Required Actions

None

## 11 - OSEP Response

The BIE reported that the COVID-19 pandemic impacted the data for this indicator. Specifically, the BIE reported that, due to COVID-19, it could not obtain data from 24 schools because of schools' staff lack of computers for access to NASIS and lack of reliable Internet access, teacher turnover, tribal executive orders, school closures, and the passing of some special education staff due to COVID-19.

## 11 - Required Actions

Because the BIE reported less than 100% compliance for FFY 2019, the BIE must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the BIE must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the BIE must describe the specific actions that were taken to verify the correction.

If the BIE did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the BIE did not identify any findings of noncompliance in FFY 2019.

# Indicator 12: Early Childhood Transition

**Instructions and Measurement**

**Monitoring Priorit**y: Effective General Supervision Part B / Effective Transition

**Compliance indicator**: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

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

**Data Source**

Data to be taken from State monitoring or State data system.

**Measurement**

 a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.

 b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.

 c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

 d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.

 e. # of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.

 f. # of children whose parents chose to continue early intervention services beyond the child’s third birthday through a State’s policy under 34 CFR §303.211 or a similar State option.

Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e - f)] times 100.

**Instructions**

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Category f is to be used only by States that have an approved policy for providing parents the option of continuing early intervention services beyond the child’s third birthday under 34 CFR §303.211 or a similar State option.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 12 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

YES

**Provide an explanation of why it is not applicable below.**

The indicator is not applicable to the BIE because BIE does not operate IDEA Part C program.

## 12 - Prior FFY Required Actions

None

## 12 - OSEP Response

OSEP notes that this Indicator is not applicable to the BIE.

## 12 - Required Actions

# Indicator 13: Secondary Transition

**Instructions and Measurement**

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

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

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

**Data Source**

Data to be taken from State monitoring or State data system.

**Measurement**

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

If a State’s policies and procedures provide that public agencies must meet these requirements at an age younger than 16, the State may, but is not required to, choose to include youth beginning at that younger age in its data for this indicator. If a State chooses to do this, it must state this clearly in its SPP/APR and ensure that its baseline data are based on youth beginning at that younger age.

**Instructions**

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data and if data are from the State’s monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 13 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2009 | 59.14% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target  | 100% | 100% | 100% | 100% | 100% |
| Data | 63.34% | 80.40% | 14.98% | 8.39% | 16.67% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target  | 100% |

**FFY 2019 SPP/APR Data**

| **Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition** | **Number of youth with IEPs aged 16 and above** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 69 | 338 | 16.67% | 100% | 20.41% | Did Not Meet Target | No Slippage |

**What is the source of the data provided for this indicator?**

State monitoring

**Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data.**

The BIE utilized NASIS to conduct IEP file reviews (August-December 2020) for 60 high schools located in 20 states. The IEP file review was conducted on a sample of students aged 16 years and older including those enrolled in middle and high school. The IEP file review is one of the monitoring components of the Special Education Integrated Monitoring Process (SEIMP). The data collection system for School Year 2019-20 consisted of drawing a representative sample of IEPs from every school. For high schools with less than 10 students age 16 and above, the DPA sampled a minimum of 3 files per school. For high schools with greater than 10 students age 16 and above, DPA sampled a minimum of 25% of IEPs. All IEPs of students age 16 and above were assigned a number. A random number generator was used to draw the sample of IEPs. A total of 338 IEPs were sampled during SY 2019-20. Three DPA special education reviewers were trained by staff from the National Technical Assistance Center on Transition (NTACT) and achieved 100% Inter-Rater Agreement before scoring independently. Each reviewer used the 8-item National Secondary Transition Technical Assistance Center (NSTTAC) Checklist Form A to collect the data for each IEP reviewed. Data was entered into an online database for analysis.

| **Question** | **Yes / No** |
| --- | --- |
| Do the State’s policies and procedures provide that public agencies must meet these requirements at an age younger than 16?  | NO |

**Provide additional information about this indicator (optional)**

**Correction of Findings of Noncompliance Identified in FFY 2018**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 220 | 220 | 0 | 0 |

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The BIE verified correction of noncompliance based on the review of subsequent data in the NASIS special education module (IEPs, supporting signature/data documents and forms) within the required one-year timeline. Using the 8-item NSTTAC Form A, the BIE concluded: subsequent data review of 3-5 additional current NASIS IEPs and supporting signature date documents and forms not included in 2018-19 IEPs sampled for each of the schools having identified findings of noncompliance and verified that schools were correctly implementing the specific regulatory requirements (at 100% compliance rate).

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The BIE reviewed the individual cases identified in FFY 2018 through the NASIS database and verified that all the secondary IEPs for the identified cases (for students still under the jurisdiction of each school) were corrected consistent with 34 CFR §300.320(b) measurable post-secondary goals related to training, education, employment, and where appropriate, independent living skills; §300.320(b)(2) transition services (including courses of study) needed to assist the child in reaching post-secondary goals; §300.321(b)(1) inviting the student to attend his/her Individualized Education Program (IEP) team meeting if a purpose of the meeting will be the consideration of the post-secondary goals and transition services.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 13 - Prior FFY Required Actions

None

## 13 - OSEP Response

OSEP notes that specific conditions were imposed on the BIE's FFY 2017, FFY 2018, FFY 2019, and FFY 2020 IDEA Part B grant awards because of the BIE's continued low level of compliance with secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 C.F.R. §§ 300.320(b) and 300.321(b).

## 13 - Required Actions

Because the BIE reported less than 100% compliance for FFY 2019, the BIE must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the BIE must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or the BIE data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the BIE must describe the specific actions that were taken to verify the correction.

If the BIE did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the BIE did not identify any findings of noncompliance in FFY 2019.

# Indicator 14: Post-School Outcomes

**Instructions and Measurement**

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

**Results indicator:** Post-school outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

Enrolled in higher education within one year of leaving high school.

Enrolled in higher education or competitively employed within one year of leaving high school.

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

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

**Data Source**

State selected data source.

**Measurement**

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

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

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

**Instructions**

*Sampling****of youth who had IEPs and are no longer in secondary school****is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates of the target population. (See General Instructions on page 2 for additional instructions on sampling.)*

Collect data by September 2020 on students who left school during 2018-2019, timing the data collection so that at least one year has passed since the students left school. Include students who dropped out during 2018-2019 or who were expected to return but did not return for the current school year. This includes all youth who had an IEP in effect at the time they left school, including those who graduated with a regular diploma or some other credential, dropped out, or aged out.

**I. *Definitions***

*Enrolled in higher education* as used in measures A, B, and C means youth have been enrolled on a full- or part-time basis in a community college (two-year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

*Competitive employment* as used in measures B and C: States have two options to report data under “competitive employment” in the FFY 2019 SPP/APR, due February 2021:

Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Option 2: States report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

*Enrolled in other postsecondary education or training* as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two-year program).

*Some other employment* as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

**II. *Data Reporting***

Provide the actual numbers for each of the following mutually exclusive categories. The actual number of “leavers” who are:

 1. Enrolled in higher education within one year of leaving high school;

 2. Competitively employed within one year of leaving high school (but not enrolled in higher education);

 3. Enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed);

 4. In some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).

“Leavers” should only be counted in one of the above categories, and the categories are organized hierarchically. So, for example, “leavers” who are enrolled in full- or part-time higher education within one year of leaving high school should only be reported in category 1, even if they also happen to be employed. Likewise, “leavers” who are not enrolled in either part- or full-time higher education, but who are competitively employed, should only be reported under category 2, even if they happen to be enrolled in some other postsecondary education or training program.

**III. *Reporting on the Measures/Indicators***

Targets must be established for measures A, B, and C.

Measure A: For purposes of reporting on the measures/indicators, please note that any youth enrolled in an institution of higher education (that meets any definition of this term in the Higher Education Act (HEA)) within one year of leaving high school must be reported under measure A. This could include youth who also happen to be competitively employed, or in some other training program; however, the key outcome we are interested in here is enrollment in higher education.

Measure B: All youth reported under measure A should also be reported under measure B, in addition to all youth that obtain competitive employment within one year of leaving high school.

Measure C: All youth reported under measures A and B should also be reported under measure C, in addition to youth that are enrolled in some other postsecondary education or training program, or in some other employment.

Include the State’s analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school. States should consider categories such as race and ethnicity, disability category, and geographic location in the State.

If the analysis shows that the response data are not representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State collected the data.

## 14 - Indicator Data

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Measure** | **Baseline**  | **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| A | 2009 | Target >= | 19.00% | 19.00% | 19.00% | 22.50% | 26.00% |
| A | 25.20% | Data | 20.79% | 21.29% | 20.24% | 18.36% | 25.26% |
| B | 2009 | Target >= | 41.00% | 41.00% | 41.00% | 44.00% | 47.00% |
| B | 46.80% | Data | 46.20% | 44.87% | 58.30% | 55.47% | 67.53% |
| C | 2009 | Target >= | 70.00% | 70.00% | 70.00% | 72.50% | 75.00% |
| C | 72.60% | Data | 73.27% | 64.26% | 65.18% | 63.28% | 82.47% |

**FFY 2019 Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target A >= | 26.00% |
| Target B >= | 47.00% |
| Target C >= | 75.00% |

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**FFY 2019 SPP/APR Data**

|  |  |
| --- | --- |
| Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school | 184 |
| 1. Number of respondent youth who enrolled in higher education within one year of leaving high school  | 38 |
| 2. Number of respondent youth who competitively employed within one year of leaving high school  | 52 |
| 3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed) | 7 |
| 4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed). | 40 |

| **Measure** | **Number of respondent youth** | **Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A. Enrolled in higher education (1) | 38 | 184 | 25.26% | 26.00% | 20.65% | Did Not Meet Target | Slippage |
| B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2) | 90 | 184 | 67.53% | 47.00% | 48.91% | Met Target | No Slippage |
| C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4) | 137 | 184 | 82.47% | 75.00% | 74.46% | Did Not Meet Target | Slippage |

| **Part** | **Reasons for slippage, if applicable** |
| --- | --- |
| **A** | A number of schools experienced challenges with this data collection during the reporting period. 30% of high schools did not document any attempts made to contact their school’s SY 2018-19 leavers. In previous years, the data would be collected during the summer but due to extended closures and the delay in reopening schools, extension were provided as well as delaying the collection window. The data collected during this reporting period was collected by school staff from their homes and not at the school buildings. The remote and rural locations of schools, staff and students may have also impacted the data. Additionally high speed internet, broad band connectivity and lack of internet services may have impacted this data collection. We utilized a new data collection tool and some school staff may have been unable to attend the scheduled training or could not access the webinar due to internet connectivity. Additionally, a number of students either started education or employment but did not meet criteria to be included as engaged in higher education or competitively employed due to to the duration of time to be included. As the nation experienced an economic downfall and recession during the reporting period, the 2018-19 leavers may have also experienced these challenges. All of these reasons may have impacted slippage for students in Target A. |
| **C** | A number of schools experienced challenges with this data collection during the reporting period. 30% of high schools did not document any attempts made to contact their school’s SY 18-19 leavers. In previous years, the data would be collected during the summer but due to extended closures and the delay in reopening schools, extension were provided as well as delaying the collection window. The data collected during this reporting period was collected by school staff from their homes and not at the school buildings. The remote and rural locations of schools, staff and students may have also impacted the data. Additionally high speed internet, broad band connectivity and lack of internet services may have impacted this data collection. We utilized a new data collection tool and some school staff may have been unable to attend the scheduled training or could not access the webinar due to internet connectivity. Additionally, a number of students either started education or employment but did not meet criteria to be included as engaged in higher education or competitively employed due to to the duration of time to be included. As the nation experienced an economic downfall and recession during the reporting period, the 18/19 leavers may have also experienced these challenges. All of these reasons may have impacted slippage for students in Target C. |

**Please select the reporting option your State is using:**

Option 2: Report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

| **Sampling Question** | **Yes / No** |
| --- | --- |
| Was sampling used?  | NO |

**Describe the sampling methodology outlining how the design will yield valid and reliable estimates.**

| **Survey Question** | **Yes / No** |
| --- | --- |
| Was a survey used?  | NO |

**Include the State’s analyses of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.**

We used the National Post-School Outcomes Center (NPSO) Response Calculator to calculate representativeness of the respondent group on the characteristics of: (a) disability type and (b) gender to determine whether the youth who responded to the interviews were similar to, or different from, the total population of youth with an IEP who exited school in 2018-19. According to the NPSO Response Calculator, differences between the Respondent Group and the Target Leaver Group of ±3% are important. Negative differences indicate an under-representativeness of the group and positive differences indicate over-representativeness. The analysis shows with the exception of Dropouts, respondents were representative in all categories, that being the difference in each category analyzed was +/- 3.0%. Dropouts were underrepresented at -4.01%.

| **Question** | **Yes / No** |
| --- | --- |
| Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school?  | NO |

**If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics.**

The BIE DPA will follow guidance originally published by the National Post-school Outcomes Center and disseminated by the National Technical Assistance Center on Transition related to Contacting Hard to Find Youth. Strategies include (1) providing pre-notification to inform students and families about the survey multiple times during the year leading up to the survey; (2) creating familiarity to help students and families become familiar with the survey; (3) showing interest when conducting the survey being attentive to youth as individuals as they share their experiences; and (4) providing incentives to give former students a reason to participate in the survey, for example, reminding students that the information they share will help other students with disabilities; providing information about jobs, colleges, and services student may be eligible for.

**Provide additional information about this indicator (optional)**

## 14 - Prior FFY Required Actions

In the FFY 2019 SPP/APR, the BIE must report whether the FFY 2019 data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, and, if not, the actions the BIE is taking to address this issue. The BIE must also include its analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

**Response to actions required in FFY 2018 SPP/APR**

To improve the representativeness of the demographics of this PSO data, BIE developed a webinar, developed a new data collection tool, and provided responses to questions schools had. The webinar and the new data collection tool followed guidance originally published by the National Post-school Outcomes Center and disseminated by the National Technical Assistance Center on Transition related to Contacting Hard to Find Youth. Strategies included (1) providing pre-notification to inform students and families about the survey multiple times during the year leading up to the survey; (2) creating familiarity to help students and families become familiar with the survey; (3) showing interest when conducting the survey being attentive to youth as individuals as they share their experiences; and (4) providing incentives to give former students a reason to participate in the survey. For example, reminding students that the information they share will help other students with disabilities; providing information about jobs, colleges, and services student may be eligible for.

As a result of these actions, there was an improvement on the representativeness of the data. To measure this progress, BIE used the National Post-School Outcomes Center (NPSO) Response Calculator to calculate representativeness of the respondent group on the characteristics of: (a) disability type and (b) gender to determine whether the youth who responded to the interviews were similar to, or different from, the total population of youth with an IEP who exited school in 2018-19. We saw improvements in students with SLD and all other disabilities. We also had a decrease in the under-representativeness of dropouts. The analysis shows with the exception of dropouts, respondents were representative in all categories, that being the difference in each category analyzed was +/- 3.0%. Dropouts were underrepresented at -4.01%.

BIE will continue to refine its data collection process using the post-school outcomes center guidance to improve representativeness of the demographics of the PSO data.

## 14 - OSEP Response

The BIE reported that the COVID-19 pandemic impacted the data for Parts A and C of this indicator. Specifically, the BIE reported that, due to COVID-19, a number of schools experienced challenges with collecting the data, including because of lack of Internet services in many remote and rural school locations.

## 14 - Required Actions

In the FFY 2020 SPP/APR, the BIE must report whether the FFY 2020 data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, and, if not, the actions the BIE is taking to address this issue. The BIE must also include its analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

# Indicator 15: Resolution Sessions

**Instructions and Measurement**

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

**Results Indicator:** 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))

**Data Source**

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the EDFacts Metadata and Process System (E*MAPS*)).

**Measurement**

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

**Instructions**

Sampling is not allowed.

Describe the results of the calculations and compare the results to the target.

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline, targets and improvement activities, and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State’s data under IDEA section 618, explain.

States are not required to report data at the LEA level.

## 15 - Indicator Data

Select yes to use target ranges

Target Range not used

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints | 11/04/2020 | 3.1 Number of resolution sessions | 0 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints | 11/04/2020 | 3.1(a) Number resolution sessions resolved through settlement agreements | 0 |

**Select yes if the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA.**

NO

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2005 |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target >= |  |  |  |  |  |
| Data | 0.00% | 75.00% |  | 100.00% | 66.67% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target >= |  |

**FFY 2019 SPP/APR Data**

| **3.1(a) Number resolutions sessions resolved through settlement agreements** | **3.1 Number of resolutions sessions** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 0 | 0 | 66.67% |  |  | N/A | N/A |

**Provide additional information about this indicator (optional)**

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. The BIE reported fewer than ten resolution sessions held in FFY 2019. The BIE is not required to provide targets until any fiscal year in which ten or more resolution sessions were held.

## 15 - Prior FFY Required Actions

None

## 15 - OSEP Response

The BIE reported fewer than ten resolution sessions held in FFY 2019. The BIE is not required to provide targets until any fiscal year in which ten or more resolution sessions were held.

## 15 - Required Actions

# Indicator 16: Mediation

**Instructions and Measurement**

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

**Results indicator:** Percent of mediations held that resulted in mediation agreements.

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

**Data Source**

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the EDFacts Metadata and Process System (E*MAPS*)).

**Measurement**

Percent = (2.1(a)(i) + 2.1(b)(i)) divided by 2.1) times 100.

**Instructions**

Sampling is not allowed.

Describe the results of the calculations and compare the results to the target.

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline, targets and improvement activities, and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State’s data under IDEA section 618, explain.

States are not required to report data at the LEA level.

## 16 - Indicator Data

**Select yes to use target ranges**

Target Range not used

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1 Mediations held | 2 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1.a.i Mediations agreements related to due process complaints | 0 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1.b.i Mediations agreements not related to due process complaints | 2 |

**Select yes if the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA.**

NO

**Targets: Description of Stakeholder Input**

BIE stakeholders are an integral part of State Performance Plan/Annual Performance Report (SPP/APR). The stakeholders include representation from BIE-funded schools, ADD region staff, Education Resource Centers, national Native American parent organization, supplemental education program, tribal enterprises, vocational rehabilitation programs, tribal education departments, tribal college, and the Indian Health Service.

The stakeholders review and analyze SPP/APR indicator data to support the BIE in determining baselines, establishing targets, and over writing data as appropriate based on the review of data and information provided by the BIE. Their input and guidance is obtained through their participation in virtual or face-to-face meetings. In the meetings, they engage in questions and answers regarding quantitative and qualitative data. During the meetings, stakeholders reach consensus about targets, baselines, data, and scaling up efforts. Meeting notes are emailed out to the stakeholders for their review to provide stakeholders an additional opportunity to provide clarifications or make further recommendations. This iterative feedback process allows each member of the stakeholder group to be heard and ensures that what is included in the SPP/APR (including the SSIP) represents decisions and recommendations made by the group. The BIE regularly seeks their feedback through these activities.

BIE Stakeholders were engaged in target setting for all applicable SPP/APR results Indicators and decided to extend FFY 2018 targets to FFY 2019. Stakeholders provided input on January 7 and January 10, 2020.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2005 |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2014** | **2015** | **2016** | **2017** | **2018** |
| Target >= |  |  |  |  |  |
| Data | 100.00% | 80.00% | 100.00% | 0.00% | 100.00% |

**Targets**

|  |  |
| --- | --- |
| **FFY** | **2019** |
| Target >= |  |

**FFY 2019 SPP/APR Data**

| **2.1.a.i Mediation agreements related to due process complaints** | **2.1.b.i Mediation agreements not related to due process complaints** | **2.1 Number of mediations held** | **FFY 2018 Data** | **FFY 2019 Target** | **FFY 2019 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 0 | 2 | 2 | 100.00% |  | 100.00% | N/A | N/A |

**Provide additional information about this indicator (optional)**

States are not required to establish baseline or targets if the number of mediation sessions is less than 10. The BIE reported fewer than ten mediation sessions held in FFY 2019. The BIE is not required to provide targets until any fiscal year in which ten or more mediation sessions were held.

## 16 - Prior FFY Required Actions

None

## 16 - OSEP Response

The BIE reported fewer than ten mediations held in FFY 2019. The BIE is not required to provide targets until any fiscal year in which ten or more mediations were held.

## 16 - Required Actions

# Indicator 17: State Systemic Improvement Plan



# Certification

**Instructions**

**Choose the appropriate selection and complete all the certification information fields. Then click the "Submit" button to submit your APR.**

**Certify**

**I certify that I am the Chief State School Officer of the State, or his or her designee, and that the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report is accurate.**

**Select the certifier’s role:**

Designated by the Chief State School Officer to certify

**Name and title of the individual certifying the accuracy of the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report.**

**Name:**

Eugene Thompson

**Title:**

Acting supervisory Education Specialist

**Email:**

eugene.thompson@bie.edu

**Phone:**

202-860-5812

**Submitted on:**

04/29/21 11:15:46 AM

# ED Attachments

  

1. Data suppressed due to privacy protection [↑](#footnote-ref-2)
2. Percentage blurred due to privacy protection [↑](#footnote-ref-3)